



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 28, 2015

Mr. Manuel O. Méndez
Counsel for County of Panola
Bickerstaff Heath Delgado Acosta, LLP
3711 South MoPac Expressway, Building One, Suite 300
Austin, Texas 78746

OR2015-10433

Dear Mr. Mendez:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 565067.

Panola County (the "county"), which you represent, received a request for information submitted by Kofile Systems, Inc. ("Kofile") in response to a specified request for proposals, to include the contract and any contract amendments; technical portion of the proposal to render a specified service; and cost, including the best and final offer. Although you take no position with respect to the public availability of the requested information, you state the proprietary interests of Kofile might be implicated. Accordingly, you notified Kofile of the request and of its right to submit arguments to this office explaining why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received arguments submitted by Kofile. We have considered its arguments and reviewed the submitted information.

Kofile argues some of the submitted information is not responsive to the instant request. Upon review, we agree the information we have marked is not responsive to the instant request for information because it does not consist of any of the specified categories of information. This ruling does not address the public availability of any information that is

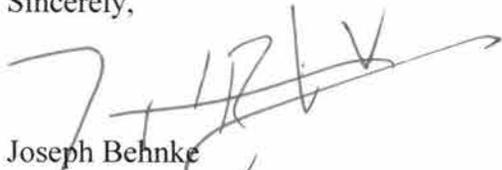
not responsive to the request and the county is not required to release such information in response to this request.¹

Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has concluded insurance policy numbers constitute access device numbers for purposes of section 552.136. Thus, the county must withhold the insurance policy numbers in the responsive information under section 552.136 of the Government Code. As no further exceptions to disclosure have been raised for the remaining responsive information, it must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 565067

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive for the information at issue, we need not address Kofile’s remaining argument against disclosure.

Mr. Randall G. Ray
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(w/o enclosures)