



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 10, 2015

Ms. Tiffany N. Evans
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2015-11299

Dear Ms. Evans:

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# 566892 (GC No. 22185).

The City of Houston (the "city") received a request for (1) a complete description of health plans offered, (2) a complete description of ancillary benefits offered, (3) the number of employees with family and single coverage enrolled in each plan, (4) monthly premium rates, (5) employer contribution to each health care plan and method of determination, (6) the financing information on each health care plan, (7) experience statements, (8) information on any cost containment efforts and any identified savings, (9) the annual hourly amount the city uses to determine each bargaining unit's employees cost, and (10) the percentage of salary cost for each fringe benefit for each bargaining unit employee.¹ Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interest of Cigna. Accordingly, you state, and provide documentation showing, you notified Cigna of the request for information and of its right to submit arguments to this office as to why the its information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

As of the date of this letter, we have not received comments from Cigna explaining why the submitted information should not be released. Therefore, we have no basis to conclude

¹We note the city did not comply with the requirements of section 552.301 of the Government Code. *See* Gov't Code § 552.301(b). Nevertheless, third-party interests can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will consider whether the submitted information may be withheld on that basis.

Cigna has a protected proprietary interest in the submitted information. *See* Gov't Code § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. Accordingly, the city may not withhold the submitted information on the basis of any proprietary interests Cigna may have in the information. As no exceptions to disclosure have been raised for the submitted information, it must be released at this time.

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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/akg

Ref: ID# 566892

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Paula McHam
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Houston, Texas 77056
(w/o enclosures)