



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 26, 2015

Ms. Rachael K. Padgett  
For the Round Rock I.S.D.  
McGinnis Lochridge  
600 Congress Avenue, Suite 2100  
Austin, Texas 78701

OR2015-12810

Dear Ms. Padgett:

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# 568903.

The Round Rock Independent School District (the "district"), which you represent, received a request for the administrative service agreement between the district and Blue Cross Blue Shield of Texas ("BCBS"), the district's third-party administrator for the Employee Medical Plan, and all attachments, exhibits, amendments, and documentation of the financial agreement between the district and BCBS for a specified period of time.<sup>1</sup> Although you take no position as to whether the submitted information is excepted from public disclosure under the Act, you state the release of the submitted information may implicate the proprietary interests of BCBS. Accordingly, you state, and provide documentation showing, you notified this third party of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d) (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

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<sup>1</sup>We note the district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

rely on interested third party to raise and explain applicability of exceptions to disclosure under the Act in certain circumstances). We have received comments from BCBS. We have reviewed the submitted comments and the submitted information.

We note BCBS has submitted comments to our office stating it does not object to the release of the submitted information. Accordingly, the district may not withhold any portion of the information at issue on the basis of any proprietary interest BCBS may have in it.

We note the submitted information contains information subject to section 552.136 of the Government Code.<sup>2</sup> Section 552.136 provides, in relevant part, "Notwithstanding 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 determined insurance policy numbers are access device numbers for purposes of section 552.136. *See id.* § 552.136(a) (defining "access device"). Accordingly, the district must withhold the submitted insurance policy and group numbers under section 552.136 of the Government Code. As no exceptions to disclosure have been raised, the district must release the remaining information.

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](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

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<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision No. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 568903

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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