



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 13, 2015

Mr. Bob Davis  
Office of Agency Counsel  
Legal Section MC 110-1C  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR2015-16749

Dear Mr. Davis:

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# 575294 (TDI# 162049).

The Texas Department of Insurance (the "department") received a request for the insurance credit scoring model, rates, and underwriting guidelines for automobile and homeowners insurance for State Farm Lloyds ("State Farm"). You state the department has released some information. Although you take no position regarding the public availability of the requested homeowner insurance underwriting guidelines, you state that release of this information may implicate third party proprietary interests. Thus, pursuant to section 552.305 of the Government Code, you have notified State Farm of the request and its right to submit arguments to this office as to why the information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances). We have received comments from State Farm. We have reviewed the submitted information and considered the submitted arguments.

Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). A private third party may invoke this exception. *Boeing Co. v. Paxton*, No. 12-1007, 2015

WL 3854264, at \*7 (Tex. June 19, 2015). The “test under section 552.104 is whether knowing another bidder’s [or competitor’s information] would be an advantage, not whether it would be a decisive advantage.” *Id.* at \*9. State Farm states it has competitors in the business of homeowner insurance. In addition, State Farm states its homeowner insurance underwriting guidelines “comprise a precise, detailed compilation” of experience and expertise that would be of considerable value to its competitors in the insurance business. State Farm states release of the information at issue would allow its competitors to “learn key State Farm business decisions on risk acceptance, and to identify with precision State Farm’s customer base.” After review of the information at issue and consideration of the arguments, we find State Farm has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude department may withhold the submitted information under section 552.104(a).<sup>1</sup>

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,



Ramsey A. Abarca  
Assistant Attorney General  
Open Records Division

RAA/dls

Ref: ID# 575294

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we need not address State Farm’s remaining arguments against disclosure of this information.

Ms. Mary Keller  
Counsel for State Farm Lloyds  
Winstead  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(w/o enclosures)