



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 11, 2016

Mr. Vance Hinds  
Assistant Ellis County & District Attorney  
Ellis County  
109 South Jackson  
Waxahachie, Texas 75165

OR2016-05673

Dear Mr. Hinds:

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# 601263.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified contract. You claim portions of the submitted information are excepted from disclosure under section 552.136 of the Government Code. Additionally, you state release of this information may implicate the proprietary interests of Correctional Food Services and Infinity Networks. Accordingly, you state, and provide documentation showing, you notified the third parties of the request for information and of their right to submit arguments to this office as to why the submitted 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 considered the exception you claim and reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from either third party explaining why the submitted information should not be released. Therefore, we have no basis to conclude either third party has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6

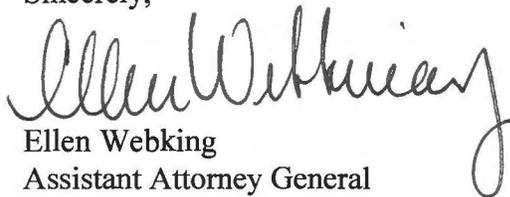
(1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the sheriff's office may not withhold any of the submitted information on the basis of any proprietary interest either third party may have in it.

Section 552.136 states, "[n]otwithstanding any other provision of this chapter, 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 also id.* § 552.136(a) (defining "access device"). Accordingly, the sheriff's office must withhold the account numbers and routing numbers you have marked, and the additional account number we have marked, under section 552.136 of the Government Code. As no further exceptions to disclosure have been raised, the sheriff's office 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,



Ellen Webking  
Assistant Attorney General  
Open Records Division

EW/akg

Ref: ID# 601263

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Larry Hanson  
Correctional Food Services  
6319 McCommas  
Dallas, Texas 75214  
(w/o enclosures)

Mr. Maurice Mascorro  
Infinity Networks  
8500 Shoal Creek Boulevard, Building 4 Suite 100  
Austin, Texas 78730  
(w/o enclosures)