



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 16, 2015

Mr. Bob Davis
Staff Attorney
General Counsel Division
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714

OR2015-11899

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# 567843 (TDI# 160163).

The Texas Department of Insurance (the "department") received a request for the credit scoring model for a named company's home insurance policies. You state you are making some information available to the requestor. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the information may implicate the proprietary interests of Farmers Insurance Exchange ("Farmers"). Accordingly, you state, and provide documentation showing, you notified Farmers 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)*; *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 and considered comments submitted by Farmers.

In its comments submitted to our office, Farmers states it does not object to the disclosure of its information. However, you and Farmers note the submitted information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials

unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. As no exceptions to disclosure have been raised, the submitted information must be released; however, any information that is subject to copyright may be released only in accordance with copyright law.

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,



Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 567843

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Bill Cobb
For Farmers Insurance Exchange
Cobb & Counsel
401 Congress Avenue, Suite 1540
Austin, Texas 78701
(w/o enclosures)