



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 30, 2015

Mr. Stanton Strickland  
Associate Commissioner  
General Counsel Division  
Texas Department of Insurance  
Mail Code 110-1C  
P. O. Box 149104  
Austin, Texas 78714-9104

OR2015-27325

Dear Mr. Strickland:

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# 592724 (TDI# 165440).

The Texas Department of Insurance (the "department") received a request for rate histories for two specified companies during the past five years. You state the department is releasing some of the information to the requestor. Although you take no position as to whether the remaining information is excepted from disclosure under the Act, you state release of the submitted information may implicate the proprietary interests of a third party. Accordingly, you state, and provide documentation showing, you notified Blue Cross/Blue Shield of Texas ("BCBS") 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 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have considered the submitted information.

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 BCBS explaining why the information at issue should not be released. Therefore, we have no basis to conclude BCBS has protected proprietary interests in the information at issue. *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, 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 department may not withhold the information at issue on the basis of any proprietary interests BCBS may have in the information and the information must be released.

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,



Tamara R. Strain  
Assistant Attorney General  
Open Records Division

TRS/sb

Ref: ID# 592724

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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