



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 18, 2017

Ms. June B. Harden
Assistant Attorney General
Assistant Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2017-28600

Dear Ms. Harden:

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# 688395 (PIR No. 17-47677).

The Office of the Attorney General (the "OAG") received a request for information relating to four specified cases or certain related cases, including communications between the OAG and three named individuals or a specified entity. The OAG states it will release some information. Additionally, the OAG states it will withhold some of the responsive information pursuant to Open Records Letter No. 2012-08540 (2012).¹ *See* Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). Although the OAG takes no position as to whether the submitted information is excepted under the Act, the OAG states release of this information may implicate the interests of third parties. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released). Accordingly, the OAG states it notified these third parties of the request for information and of their rights to submit arguments to this

¹In Open Records Letter No. 2012-08540 this office issued the OAG a previous determination authorizing it to withhold information it compiles in connection with a Medicaid fraud investigation under section 552.101 of the Government Code in conjunction with section 531.1021(g) of the Government Code without the need of requesting a ruling from this office when requests for such information are not made by individuals or entities who are authorized to obtain such information under chapter 531 of the Government Code.

office as to why the information at issue should not be released. We have received comments from one of the third parties.² We have considered the submitted argument and reviewed the submitted information.

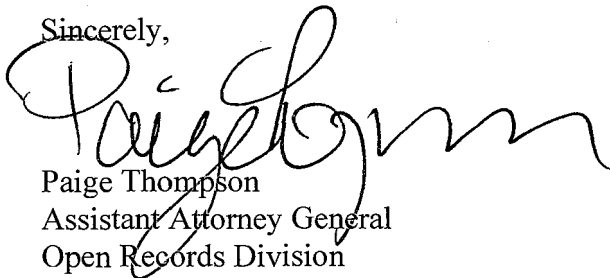
Although the third party asserts the submitted information is excepted under section 552.103 of the Government Code, we note that exception is designed to protect the interests of governmental bodies and not the interests of third parties. *See id.* § 552.103 (excepts from disclosure litigation or settlement negotiations involving the state or a political subdivision). We note the OAG did not raise section 552.103 of the Government Code. Thus, we do not address the third party's argument under section 552.103 of the Government Code.

Section 552.136 of the Government Code provides, “[n]otwithstanding 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.”³ *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Upon review, the OAG must withhold the information we marked under section 552.136 of the Government Code. As no further exceptions have been raised, the OAG 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, 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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

²As of the date of this letter, we have not received comments from the remaining third party explaining why the submitted information should not be released.

³This office will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 688395

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)