



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 3, 2019

Ms. Myra L. Ayala Garza
City Secretary
City of Weslaco
255 South Kansas Avenue
Weslaco, Texas 78596

OR2019-18280

Dear Ms. Garza:

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# 774158.

The City of Weslaco (the "city") received a request for the city's insurance coverage provided by the Texas Municipal League Intergovernmental Risk Pool ("TML") during a specified policy period. The city claims the submitted information is excepted from disclosure under sections 552.104 and 552.110 of the Government Code.¹ Additionally, the city states it notified TML of the request for information and of its right to submit arguments

¹Although the city raises sections 552.101 of the Government Code for the submitted information, the city provides no arguments explaining the applicability of this exception. Therefore, we assume the city no longer asserts section 552.101. *See* Gov't Code §§ 552.301, .302. Further, although the city raises sections 552.305 and 552.352 of the Government Code, we note these sections are not exceptions to public disclosure under the Act. Rather, section 552.305 addresses the procedural requirements for notifying third parties their interests may be affected by a request for information and section 552.352 imposes criminal penalties for the release of confidential information. *See id.* §§ 552.305, .352.

to this office as to why the information at issue should not be released. *See* Gov't Code §552.304 (interested party may submit comments stating why information should or should not be released). As of the date of this letter, we have not received comments from TML. We have considered the exceptions the city claims and reviewed the submitted information.

Initially, the city asserts the submitted information is excepted from disclosure under section 552.110 of the Government Code. However, section 552.110 protects only the interests of the third parties that have provided information to a governmental body, not those of the governmental body itself. *See id.* § 552.110 (excepts from disclosure trade secrets or commercial or financial information obtained from person). Therefore, we do not consider the city's argument under section 552.110.

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). 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." *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). The city argues release of the submitted information would harm TML by giving an advantage to TML's competitors. However, such an interest in protecting the information belongs to TML and not the city. Upon review, we find the city has failed to demonstrate the release of the information would give advantage to a competitor or bidder. Thus, the city may not withhold any of the submitted information under section 552.104(a) of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.² *See* Gov't Code § 552.130. Accordingly, the city must withhold all vehicle identification numbers in the submitted information under section 552.130 of the Government Code. The city 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/>

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decisions Nos. 481 (1987), 480 (1987), 470 (1987).

[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,



Lecelle Clarke
Attorney
Open Records Division

LC/mo

Ref: ID# 774158

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)