



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 8, 2020

Ms. Stacie S. White
Counsel for the City of Southlake
Taylor Olson Adkins Sralla Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107-4654

OR2020-00811

Dear Ms. White:

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# 805227.

The City of Southlake (the "city"), which you represent, received a request for a specified contract and payment bond. You state the city will release some of the requested information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You assert the submitted information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 2253.026 of the Government Code. Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 2253.026 provides, in relevant part:

(a) A governmental entity shall furnish the information required by Subsection (d) to any person who applies for the information and who submits an affidavit that the person:

- (1) has supplied public work labor or material for which the person has not been paid;
- (2) has contracted for specially fabricated material for which the person has not been paid; or
- (3) is being sued on a payment bond.

...

(d) A governmental entity shall furnish the following information to a person who makes a request under Subsection (a):

- (1) a certified copy of a payment bond and any attachment to the bond;
- (2) the public work contract for which the bond was given; and
- (3) the toll-free telephone number maintained by the Texas Department of Insurance under Subchapter B, Chapter 521, Insurance Code,¹ for obtaining information concerning licensed insurance companies.

Id. § 2253.026(a), (d). You assert the submitted information is confidential under section 2253.026(a) of the Government Code. However, we find section 2253.026(a) does not make information confidential for purposes of the Act. *See id.* § 2253.026(a); Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987) (statutory confidentiality requires express language making certain information confidential or stating that information shall not be released to the public). Therefore, none of the information at issue is confidential under section 2253.026(a). Accordingly, the city may not withhold any of the submitted information under section 552.101 of the Government Code on that basis. The city must release the submitted 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 <https://www.texasattorneygeneral.gov/open->

¹ V.T.C.A., Insurance Code § 521.051 et seq.

government/members-public/what-expect-after-ruling-issued or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Ybarra". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nick Ybarra
Assistant Attorney General
Open Records Division

NY/gw

Ref: ID# 805227

Enc. Submitted documents

c: Requestor
(w/o enclosures)