



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 18, 2020

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

OR2020-05047

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# 811407 (PIR No. R002913).

The Office of the Attorney General (the "OAG") received a request for the number of Texans affected by a specified data breach. 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 proprietary interests of Anthem, Inc. ("Anthem"). Accordingly, the OAG states, and provides documentation showing, it notified Anthem of the request for information and of its right to submit arguments to this office as to why the information at issue 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 received comments on behalf of Anthem. We have considered submitted argument and reviewed the submitted information.

We note Anthem asserts, and we agree, some of the submitted information is not responsive to the present request for information because it does not consist of the requested information. This ruling does not address the public availability of the non-responsive information, which we marked, and the OAG need not release it in response to this request. As we have received no arguments against disclosure of the responsive information, the OAG must release the responsive 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-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,



Matthew Taylor
Assistant Attorney General
Open Records Division

MHT/eb

Ref: ID# 811407

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)