



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 5, 2020

Ms. Mary Dougherty  
Open Records Attorney  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714

OR2020-19570

Dear Ms. Dougherty:

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# 836658 (TDI# R008140).

The Texas Department of Insurance (the "department") received a request for the most recent Insurance Services Office, Inc. ("ISO") inspection and ratings report for a specified city. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of ISO. Accordingly, you state, and provide documentation showing, the department notified ISO of the request for information and of the right to submit arguments to this office as to why the submitted information 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 from ISO. We have considered the submitted arguments and reviewed the submitted information.

ISO argues portions of the submitted information are excepted from disclosure under section 552.110 of the Government Code. Section 552.110(c) of the Government Code excepts from disclosure "commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]" Gov't Code § 552.110(c). ISO argues some of its information consists of commercial or financial information subject to section 552.110(c). Upon review, we find ISO has demonstrated the information at issue constitutes commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, the department must withhold this information,

which we marked, under section 552.110(c) of the Government Code.<sup>1</sup> As no exceptions to disclosure have been raised for the remaining information, it 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 <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,

Michelle Garza  
Assistant Attorney General  
Open Records Division

MRG/be

Ref: ID# 836658

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)

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<sup>1</sup> As our ruling is dispositive, we do not address ISO's remaining argument against disclosure.