



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 10, 2020

Mr. James Powell
Assistant General Counsel
North Central Texas Council of Governments
P.O. Box 5888
Arlington, Texas 76005-5888

OR2020-19887

Dear Mr. Powell:

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# 840183.

The North Central Texas Council of Governments (the "NCTCOG") received a request for the executed contract, scoring information, and winning bidders proposal pertaining to request for proposals #2019-112. You state the NCTCOG will release some of the requested information. 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 United Healthcare Services, Inc. ("United"). Accordingly, you state, and provide documentation showing, the NCTCOG notified United of the request for information and of its 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 United. We have considered the submitted arguments and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2020-11060 (2020). In that ruling, we concluded the following: the NCTCOG must withhold the information Aetna and United indicated and the information pertaining to Blue Cross Blue Shield of Texas and CVS Health we indicated under section 552.110(c) of the Government Code; the NCTCOG must withhold all public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy; the NCTCOG must withhold the insurance policy numbers in the remaining information under section 552.136 of the

Government Code; and the NCTCOG must release the remaining information; however, the NCTCOG may only release any information subject to copyright in accordance with copyright law. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the NCTCOG must continue to rely on Open Records Letter No. 2020-11060 as a previous determination and withhold or release the submitted information in accordance with that ruling.¹ See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,

Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/jm

Ref: ID# 841089

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)

¹ As we are able to make this determination, we need not address United's arguments against disclosure of the submitted information.