



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 21, 2022

Ms. Lisa D. Mares  
Assistant City Attorney  
City of Dallas  
1500 Marilla Street, 5DS  
Dallas, Texas 75201

OR2022-01757

Dear Ms. Mares:

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# 923430 (ORR# C008960-100121).

The City of Dallas (the "city") received a request for the winning proposal and contract for a specified request for proposals.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. In addition, you state release of the submitted information may implicate the proprietary interests of Injury Management Organization, Inc. ("IMO"). Accordingly, you state, and provide documentation showing, you notified IMO 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 IMO. We have reviewed the submitted arguments and the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 1305.154(a) of the Insurance Code, which provides:

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<sup>1</sup> You state the city received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Except for emergencies and out-of-network referrals, a network may provide health care service to employees only through a written contract with an insurance carrier. A network-carrier contract under this section is confidential and is not subject to disclosure as public information under [the Act].

Ins. Code § 1305.154(a). You assert the submitted information is made confidential by section 1305.154(a) of the Insurance Code. Upon review of your arguments and the submitted information, we find you have demonstrated the submitted information consists of a network-carrier contract as contemplated by section 1305.154(a) of the Insurance Code. Accordingly, the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 1305.154(a) of the Insurance Code.<sup>2</sup>

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,

Deborah Southerland  
Assistant Attorney General  
Open Records Division

DS/jxd

Ref: ID# 923430

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)

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<sup>2</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.