



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 6, 2022

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

OR2022-10116

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# 940626 (PIR No. R011354).

The Office of the Attorney General (the "OAG") received a request for certain information pertaining to data security breaches during a stated time period. The OAG states it will release most of the responsive information with redactions allowed by law. Although the OAG takes no position regarding whether the submitted information is excepted from disclosure under the Act, the OAG informs us its release may implicate the proprietary interests of Atlantic Specialty Insurance Company ("Atlantic") and Medical Review Institute of America ("MRIOA"). Accordingly, the OAG states, and provides documentation showing, it notified these third parties of the request for information and of their right to submit arguments to this office. *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 reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). The OAG informs us Atlantic does not object to the release of its information. As of the date of this letter, we have not

received comments from MRIOA explaining why the information at issue should not be released. Thus, we have no basis to conclude MRIOA has a protected proprietary interest in the submitted information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Therefore, the OAG may not withhold the submitted information on the basis of any proprietary interest MRIOA may have in the information. Accordingly, the OAG 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-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,

James M. Graham  
Assistant Attorney General  
Open Records Division

JMG/be

Ref: ID# 940626

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

cc: 2 Third Parties  
(w/o enclosures)