

May 23, 2023

ATTN: Open Records Division
The Honorable Ken Paxton
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RE: Request for contracts between TDI and specified federal agencies; TDI# R018770.

Dear Attorney General Paxton:

On April 20, 2023, the Texas Department of Insurance (the "department") received the attached request for information concerning the above-referenced matter. The department worked a skeleton crew on April 21, 2023. The department sent a clarification to the requestor on May 4, 2023. The requestor sent a response on May 4, 2023. On May 19, 2023, the department sent an initial request for a ruling pursuant to Section 552.301(b) of the Government Code.

The department takes no position as to whether the submitted information is excepted from disclosure under the Public Information Act (the "Act"). However, the submitted information may implicate the proprietary or property interest of a third party. The department requests a determination under the Act.

**PROPRIETARY INTERESTS OF THIRD PARTY
SECTION 552.305 OF THE GOVERNMENT CODE**

The submitted information may involve a proprietary or property interest of third party. Gov't Code § 552.305. Pursuant to section 552.305 of the Government Code:

- (a) In a case in which information is requested under [the Act] and a person's privacy or property interests may be involved, including a case under Section 552.101, 552.110, 552.1101, 552.114, 552.131, or 552.143, a governmental body may decline to release the information for the purpose of requesting an attorney general decision.

- (b) A person whose interest may be involved under Subsection (a), or any other person may submit in writing to the attorney general the person's reasons why the information should be withheld or released.

- (b) The governmental body may, but is not required to, submit its reasons why the information should be withheld or released.

Gov't Code § 552.305 (a), (b), and (c). Section 552.305(c) relieves the governmental body of its duty under section 552.301(e) of stating which exceptions apply to the information and why, in circumstances where: (1) a person's privacy or property interests may be involved, (2) the governmental body has requested a ruling from the attorney general, and (3) the governmental body makes a good faith attempt to notify the person whose interests are at issue of the request and of their right to submit arguments to the attorney general. *See generally* Open Records Decision No. 542 (1990).

The department has notified the third party of the request and of its right to submit arguments to your office for why the information at issue should not be released. The department anticipates the third party will respond to the notification from the department and submit arguments to your office.

Copies of the information at issue are attached for your review. Your time and attention to this matter are appreciated. Please send all correspondence related to this matter to James Kelly, Open Records Office, General Counsel Division, MC GC-ORO. I can be contacted at 512-676-6554.

Sincerely,



James Kelly

Open Records Attorney
Open Records Office
General Counsel Division

cc: Robert Montoya
VIA E-MAIL

Federal Bureau of Investigation
El Paso Division
VIA E-MAIL

Federal Bureau of Investigation
San Antonio Division
VIA E-MAIL