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April 22, 2026

VIA EMAIL:

Harold "Wayne" [REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED]'s Public Information Act request to the Colorado County Auditor by email on April 2, 2026, and received April 6, 2026, regarding liability insurance coverage

Dear Mr. [REDACTED]:

As you are aware, our office represents the Colorado County Auditor in this matter. The Colorado County Auditor received your request pursuant to the Public Information Act (the Act) on April 6, 2026. Specifically, you ask for "[a]ll records related to Colorado County's liability insurance coverage, including but not limited to: 1. The declarations page(s) for any liability insurance policy or policies currently in effect that would provide coverage for claims arising from the conduct of Colorado County employees, including but not limited to law enforcement liability, public officials liability, general liability, and/or excess/umbrella liability. 2. The policy limits (per occurrence and aggregate) for each such policy. 3. The name of the insurance carrier(s) and policy number(s). 4. The effective dates and expiration dates of each policy. 5. Any self-insured retention or deductible amounts. 6. If the County participates in a risk pool (such as the Texas Association of Counties Risk Management Pool), the declarations page, coverage limits, and membership agreement for such coverage. 7. Any certificates of insurance reflecting the above coverage."

The purpose of this letter is to notify you that there are certain exceptions to the Public Information Act that apply concerning the release of the requested information. The Colorado County Auditor seeks to withhold the confidential information involving some of these documents pursuant to sections 552.104, .110, .1101, and .1391 of the Texas Government Code.

SPECIAL NOTICE:

Also attached to this response is a copy of the Request for Opinion addressed to the Attorney General. The portions of the request that would tend to reveal the nature of the withheld information has been redacted to preserve the Colorado County Auditor invocation of privilege or exception. TEX. GOV'T CODE ANN. § 552.301(e-1).

Sincerely,


J. Eric Magee

JEM/jm
Enclosures

cc: Office of the Attorney General, State of Texas

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April 22, 2026

VIA CMRRR: 9589 0710 5270 0492 4798 24

Office of the Attorney General, State of Texas
Open Records Section
P.O. Box 12548
Austin, Texas 78711-2548

RE: ██████████'s Public Information Act request to the Colorado County Auditor by email on April 2, 2026, and received April 6, 2026, regarding liability insurance coverage

Dear General Paxton:

On April 6, 2026, the Colorado County Auditor received a request pursuant to the Public Information Act (PIA) from ██████████. This request asked for "[a]ll records related to Colorado County's liability insurance coverage, including but not limited to: 1. The declarations page(s) for any liability insurance policy or policies currently in effect that would provide coverage for claims arising from the conduct of Colorado County employees, including but not limited to law enforcement liability, public officials liability, general liability, and/or excess/umbrella liability. 2. The policy limits (per occurrence and aggregate) for each such policy. 3. The name of the insurance carrier(s) and policy number(s). 4. The effective dates and expiration dates of each policy. 5. Any self-insured retention or deductible amounts. 6. If the County participates in a risk pool (such as the Texas Association of Counties Risk Management Pool), the declarations page, coverage limits, and membership agreement for such coverage. 7. Any certificates of insurance reflecting the above coverage."

The Colorado County Auditor has provided a timely response to Mr. ██████████ with regards to the request for information. On behalf of the Colorado County Auditor, a decision from the Attorney General is respectfully requested regarding our determination that the responsive information is protected from disclosure by sections 552.104, .110, .1101, and .1391 of the Texas Government Code.

A copy of the request for information submitted by Mr. ██████████ is attached hereto under Tab 1. Tab 2 is our initial response to Mr. ██████████. We refer you to the Special Notice contained on the last page of that response as evidence of our compliance with section 552.201(d)(2) of the Act. Tab 3 contains all responsive information to this request. Tab 4 contains the third party vendor notification letter. Tab 5 is our discussion of the applicable exceptions to disclosure for which we

Office of the Attorney General

April 22, 2026

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are withholding the documents pending a decision as permitted by the Act. We have provided a courtesy copy of this discussion to the requestor.

Your time and attention to this matter are appreciated.

Sincerely,

A handwritten signature in black ink that reads "J. Eric Magee". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

J. Eric Magee

JEM/jm

Enclosures

cc: [REDACTED], requestor

TAB 1

Harold "Wayne" [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

April 2, 2026

VIA EMAIL

The Honorable Ty Prause
Colorado County Judge
400 Spring Street, Suite 102
[REDACTED]

ty.prause@co.colorado.tx.us

RE: NOTICE OF STATUTORY VIOLATION AND DEMAND FOR IMMEDIATE PRODUCTION — Public Information Request Dated March 9, 2026 (Insurance Coverage Records)

Dear Judge Prause:

On March 9, 2026, I submitted a Public Information Act request to Colorado County pursuant to Texas Government Code Chapter 552, requesting records related to the County's liability insurance coverage. A copy of that request is attached hereto as Exhibit A.

The statutory deadline has passed without any response. Under Tex. Gov. Code § 552.228, a governmental body must respond to a public information request no later than ten (10) business days after receiving it. The ten-business-day deadline for my March 9 request expired on March 24, 2026. As of today, April 2, 2026 — seven business days past that deadline — Colorado County has neither produced the requested records nor provided written notice that it intends to seek an Attorney General ruling.

The County has waived the right to withhold these records. Under Tex. Gov. Code § 552.302, if a governmental body fails to request an Attorney General ruling within the time prescribed by § 552.301, the information is presumed to be public and must be released. Because Colorado County did not seek an AG ruling on or before March 24, 2026, it has forfeited any right to withhold the requested insurance records on any grounds. The presumption of public access is now conclusive.

The requested information is independently public. Even absent the waiver, insurance policy information for governmental entities is not exempt from disclosure under the Texas Public Information Act. The Attorney General has consistently held that insurance policies, declarations pages, and coverage limits constitute public information. See Tex. Att'y Gen. Open Records Letter No. 96-0593 (1996); Tex. Att'y Gen. ORD-584 (1991). No statutory exception applies to this category of records.

Demand for Immediate Production. You are hereby directed to produce all records responsive to my March 9, 2026 request no later than five (5) business days from the date of this letter — by April 9, 2026. Continued withholding of these records following this notice will be treated as a knowing violation of the Texas Public Information Act, subject to the remedies available under Tex. Gov. Code §§ 552.321 and 552.353, including mandamus relief and referral to the Attorney General for enforcement.

Please govern yourself accordingly.

Respectfully,

Harold "Wayne" [REDACTED]
[REDACTED], [REDACTED]
[REDACTED] | [REDACTED]

CC: J. Eric Magee, Allison, Bass & Magee, L.L.P., e.magee@allison-bass.com
Michelle Lowrance, Colorado County Auditor, michelle.lowrance@co.colorado.tx.us
Joyce Guthmann, Colorado County Treasurer, joyce.guthmann@co.colorado.tx.us
Kimberly Menke, Colorado County Clerk, countyclerk@co.colorado.tx.us

Enclosure: Exhibit A — Public Information Request dated March 9, 2026

Harold "Wayne" [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

March 9, 2026

VIA EMAIL

Colorado County Judge
Attn: Public Information Officer
400 Spring Street, Suite 100
[REDACTED]

**RE: PUBLIC INFORMATION REQUEST PURSUANT TO TEXAS GOVERNMENT
CODE CHAPTER 552**

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, Texas Government Code Chapter 552, I am requesting copies of the following public records:

RECORDS REQUESTED

All records related to Colorado County's liability insurance coverage, including but not limited to:

1. The declarations page(s) for any liability insurance policy or policies currently in effect that would provide coverage for claims arising from the conduct of Colorado County employees, including but not limited to law enforcement liability, public officials liability, general liability, and/or excess/umbrella liability.
2. The policy limits (per occurrence and aggregate) for each such policy.
3. The name of the insurance carrier(s) and policy number(s).
4. The effective dates and expiration dates of each policy.
5. Any self-insured retention or deductible amounts.
6. If the County participates in a risk pool (such as the Texas Association of Counties Risk Management Pool), the declarations page, coverage limits, and membership agreement for such coverage.
7. Any certificates of insurance reflecting the above coverage.

LEGAL BASIS FOR DISCLOSURE

Insurance policy information for governmental entities is public information under Texas law. The Attorney General has consistently held that insurance policies, declarations pages, and policy limits are not exempt from disclosure. *See, e.g.*, Tex. Att'y Gen. Open Records Letter No. 96-0593 (1996); Tex. Att'y Gen. ORD-584 (1991).

Insurance coverage information is routinely disclosed in litigation and is not protected by any privilege. The public has a legitimate interest in knowing whether and to what extent its government is insured against liability claims, as this information affects both the County's fiscal management and the ability of injured parties to recover compensation.

STATUTORY REQUIREMENTS

As you are aware, the Texas Public Information Act requires that you respond to this request promptly, and in no event later than ten (10) business days after receiving this request. If you intend to withhold any responsive records, you must seek an Attorney General ruling within that time period and must provide me with written notice as required by § 552.301.

I am willing to pay reasonable copying costs. If the cost will exceed \$40.00, please contact me with an estimate before proceeding.

Please contact me if you have any questions regarding this request. I look forward to your prompt response.

Sincerely,

/s/ [REDACTED]

Harold "Wayne" [REDACTED]

TAB 2

ALLISON, BASS & MAGEE, L.L.P.

Attorneys at Law

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AUSTIN, TEXAS 78701

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J. ERIC MAGEE
e.magee@allison-bass.com

April 8, 2026

VIA EMAIL:

Harold "Wayne" [REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED]'s Public Information Act request to the Colorado County Auditor by email on April 2, 2026, and received April 6, 2026, regarding liability insurance coverage

Dear Mr. [REDACTED]:

Our office represents the Colorado County Auditor in this Public Information Act request. The Colorado County Auditor received your request pursuant to the Public Information Act (the Act) in the Notice and Demand on April 6, 2026 dated April 2, 2026, which attached a previous request to the Office of the County Judge. Specifically, you ask for "[a]ll records related to Colorado County's liability insurance coverage, including but not limited to: 1. The declarations page(s) for any liability insurance policy or policies currently in effect that would provide coverage for claims arising from the conduct of Colorado County employees, including but not limited to law enforcement liability, public officials liability, general liability, and/or excess/umbrella liability. 2. The policy limits (per occurrence and aggregate) for each such policy. 3. The name of the insurance carrier(s) and policy number(s). 4. The effective dates and expiration dates of each policy. 5. Any self-insured retention or deductible amounts. 6. If the County participates in a risk pool (such as the Texas Association of Counties Risk Management Pool), the declarations page, coverage limits, and membership agreement for such coverage. 7. Any certificates of insurance reflecting the above coverage."

The purpose of this letter is for the County Auditor to timely provide you a response to your request. As you are probably aware, the Public Information Act requires that certain information remain confidential. In circumstances where such exclusions may apply, the governmental entity (the Colorado County Auditor's Office) is required to submit the documents to the Texas Attorney General for a confidentiality determination. Therefore, the requested documents are being withheld pursuant to those exceptions and are being submitted to the Texas Attorney General for a decision on whether the PIA requires that these documents be withheld. This process is not to interfere with governmental transparency but to protect confidential information that may not be disclosed without approval from the Attorney General.


April 8, 2026

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Specifically, the Public Information Act provides for an exception to the disclosure of public records pursuant to: (1) section 552.104 when the information relates to competition or bidding; (2) section 552.110 when the information relates to the confidentiality of trade secrets and the confidentiality of certain commercial or financial information; (3) section 552.1101 when the information relates to proprietary information; and (4) section 552.1391 when the information relates to the confidentiality of cybersecurity measures.

SPECIAL NOTICE(S):

The Colorado County Auditor's Office will forward its discussion of exceptions regarding the documents being withheld to the Attorney General within fifteen (15) business days from the date of the request. A copy will be forwarded to you at that time. The portions of the discussion that would tend to reveal the nature of withheld information will be redacted to preserve the invocation of privilege or exception. — TEX. GOVT. CODE ANN. § 552.301(d)(2).

Sincerely,

J. Eric Magee

JEM/jm

Enclosures

cc: Office of the Attorney General, State of Texas

TAB 3

[Documents Withheld]

TAB 4

ALLISON, BASS & MAGEE, L.L.P.

Attorneys at Law

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J. ERIC MAGEE
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April 7, 2026

VIA CMRRR: 9589 0710 5270 0492 4798 17

Texas Association of Counties
Attn: Mike Thompson, Jr.
Associate General Counsel
Legal Services
1210 San Antonio Street
Austin, TX 78701

RE: [REDACTED]'s Public Information Act request to the Colorado County Auditor by email on April 2, 2026, and received April 6, 2026, regarding liability insurance coverage

Dear Mr. Thompson:

We have received a formal request to inspect or copy some of our files. A copy of the request for information is enclosed. The requested files include records we received from you or from your company. The Office of the Attorney General is reviewing this matter, and they will issue a decision on whether Texas law requires us to release your records. Generally, the Public Information Act (the "Act") requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your records by submitting written arguments to the attorney general that one or more exceptions apply to your records. You are not required to submit arguments to the attorney general, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely action, the attorney general will more than likely rule that your records must be released to the public. If you decide to submit arguments, **you must do so not later than the tenth business day after the date you receive this notice.**

If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies.

Gov't Code § 552.305(d). A claim that an exception applies without further explanation will not suffice. Attorney General Opinion H-436 (1974). You may contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 business days.

Please send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

If you wish to submit your written comments electronically, you may only do so via the Office of the Attorney General's eFiling System. An administrative convenience charge will be assessed for use of the eFiling System. No other method of electronic submission is available. Please visit the attorney general's website at <http://www.texasattorneygeneral.gov> for more information.

In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General. Gov't Code § 552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code § 552.305(e). You may provide a copy of your communication to the governmental body who received the request and sent the notice.

Commonly Raised Exceptions

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

Section 552.101: Information Made Confidential by Law

Open Records Decision No. 652 (1997).

Section 552.110: Confidentiality of Trade Secrets and Commercial or Financial Information

Trade Secrets

Commercial or Financial Information:

Birnbaum v. Alliance of Am. Insurers, 994 S.W.2d 766 (Tex. App.—Austin 1999, pet. filed) (construing previous version of section 552.110), *abrogated by In re Bass*, 113 S.W.3d 735 (Tex. 2003).

Open Records Decision No. 639 (1996).

Open Records Decision No. 661 (1999).

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Section 552.1101: Confidentiality of Proprietary Information

Section 552.113: Confidentiality of Geological or Geophysical Information

Open Records Decision No. 627 (1994).

Section 552.131: Confidentiality of Certain Economic Development Negotiation Information

If you have questions about this notice or release of information under the Act, please refer to the *Public Information Handbook* published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To access the *Public Information Handbook* or Attorney General Opinions, including those listed above, please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,



J. Eric Magee

Attorney for Colorado County Auditor's Office

JEM/jm

Enclosures

cc: [REDACTED], requestor

Office of the Attorney General

Open Records Division

P.O. Box 12548

Austin, Texas 78711-2548

TAB 5

DISCUSSION OF EXCEPTIONS TO DISCLOSURE UNDER THE TEXAS PUBLIC INFORMATION ACT

The public information request from [REDACTED] seeks “[a]ll records related to Colorado County's liability insurance coverage, including but not limited to: 1. The declarations page(s) for any liability insurance policy or policies currently in effect that would provide coverage for claims arising from the conduct of Colorado County employees, including but not limited to law enforcement liability, public officials liability, general liability, and/or excess/umbrella liability. 2. The policy limits (per occurrence and aggregate) for each such policy. 3. The name of the insurance carrier(s) and policy number(s). 4. The effective dates and expiration dates of each policy. 5. Any self-insured retention or deductible amounts. 6. If the County participates in a risk pool (such as the Texas Association of Counties Risk Management Pool), the declarations page, coverage limits, and membership agreement for such coverage. 7. Any certificates of insurance reflecting the above coverage.” The following request for Attorney General review and direction is made as the requested documents are protected from disclosure by the following statutory exceptions.

§ 552.104: Exception: Information Relating to Competition or Bidding

The Act excepts information that, if released, “would give advantage to a competitor or bidder.” GOV'T CODE § 552.104(a). Specifically, the Texas Government Code provides the following:

- (a) Information is excepted from the requirements of Section 552.021 if a governmental body demonstrates that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future.

Tex. Gov't Code Ann. § 552.104 (West).

The Texas Supreme Court held that “the test under section 552.104 is whether knowing another bidder’s [or competitor’s information] would be an advantage, not whether it would be a decisive advantage.” *See Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). This standard applies whether the information pertain to a governmental entity or a private company. *See id.* In *Boeing*, Boeing asserted that if a competitor were to acquire information related to rent or overhead costs in its governmental contracts, a competitor may be able to undercut Boeing at the next re-bid. *See id.* at 840 (overhead costs include actual dollar figures, percentage used to calculate early termination, share of maintenance costs, actual figures for rent, etc.). The Court found that due to the continual re-bidding on such government contracts and the fact that some bids are won by “as little as one percent,” any release of such information would give an advantage to any competitor that gained this information through an open records request. *See id.* at 841. However,

the Eighty-sixth Legislature has amended section 552.104 since the issuance of *Boeing*. See Act of May 25, 2019, 86th Leg., R.S., S.B. 943, § 3. Section 552.104 now expressly limits the protections of section 552.104 to governmental bodies. Gov't Code § 552.104(a).

Therefore, any requested information that [REDACTED]

[REDACTED] As such, Colorado County asks the attorney general to withhold any information that may give a competitive advantage to a possible competitor pursuant to section 552.104.

§ 552.110: Exception: Confidentiality of Trade Secrets and Confidentiality of Certain Commercial or Financial Information

The Act provides an exception for trade secrets and certain commercial or financial information that, if released, would cause substantial competitive harm to the party in which in the information is requested. See GOV'T CODE § 552.110(a)–(b). Specifically, the Texas Government Code provides that

(a) In this section, “trade secret” means all forms and types of information, including business, scientific, technical, economic, or engineering information, and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device, method, technique, process, procedure, financial data, or list of actual or potential customers or suppliers, whether tangible or intangible and whether or however stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if:

- (1) the owner of the trade secret has taken reasonable measures under the circumstances to keep the information secret; and
- (2) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.

(b) Except as provided by Section 552.0222, information is excepted from the requirements of Section 552.021 if it is demonstrated based on specific factual evidence that the information is a trade secret.

(c) Except as provided by Section 552.0222, 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 is excepted from the requirements of Section 552.021.

[REDACTED]
[REDACTED]
[REDACTED] As such, Colorado County has provided notice to third parties affected by this request so that they may assert any arguments related to possible trade secrets and confidentiality of their commercial and/or financial information contained in the current insurance coverage provided to the County. *See* Tab 4.

§ 552.1101. Exception: Confidentiality of Proprietary Information

The Act provides an exception for proprietary information of a third party. *See* GOV'T CODE § 552.1101(a). Specifically, the Texas Government Code provides that

information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from the requirements of Section 552.021 if the vendor, contractor, potential vendor, or potential contractor that the information relates to demonstrates based on specific factual evidence that disclosure of the information would:

- (1) reveal an individual approach to:
 - (A) work;
 - (B) organizational structure;
 - (C) staffing;
 - (D) internal operations;
 - (E) processes; or
 - (F) discounts, pricing methodology, pricing per kilowatt hour, cost data, or other pricing information that will be used in future solicitation or bid documents; and
- (2) give advantage to a competitor.

Tex. Gov't Code Ann. § 552.1101 (West).

[REDACTED]
[REDACTED]
[REDACTED] As such, Colorado County has provided notice to third parties affected by this request so that they may assert any arguments related to possible trade secrets and confidentiality of their commercial and/or financial information contained in the current insurance coverage provided to the County. *See* Tab 4.

§ 552.1391. Exception: Confidentiality of Cybersecurity Measure

The Texas Government Code provides that

[i]nformation is excepted from the requirements of Section 552.021 if it is information that relates to:

- (1) a cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility located in the jurisdiction of the governmental body;
- (2) coverage limits and deductible amounts for insurance or other risk mitigation coverages acquired for the protection of information technology systems, critical infrastructure, operational technology systems, or data of a governmental body or the amount of money set aside by a governmental body to self-insure against those risks;

Tex. Gov't Code Ann. § 552.1391(b) (West).

Therefore, the requested information includes [REDACTED]

[REDACTED] As such, Colorado County asks the attorney general to withhold any information that may give a competitive advantage to a possible competitor pursuant to section 552.1391.

The following index is an overview of the documents requested and the exception or privilege asserted, except where redaction is necessary to protect the asserted exception or privilege. Pursuant to section 552.301(e)(1)(d) of the Texas Government Code, a governmental body must submit “a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested;” therefore, the [County] is providing the documents requested, as well as this summary of the exceptions deemed applicable. The following index is offered:

	DESCRIPTION OF DOCUMENTS TO BE WITHHELD	BASIS OF EXCEPTION
Tab 1	Original Request	
Tab 2	Original Response to Requestor	
Tab 3	Copy of all responsive information	§ 552.104 § 552.110 § 552.1101 § 552.1391
Tab 4	Third Party Notification	
Tab 5	Legal rationale for withholding of documents	