



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 18, 2009

Mr. Matt Lucas
Deer Park Independent School District
203 Ivy Avenue
Deer Park, Texas 77536

OR2009-11534

Dear Mr. Lucas:

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# 352579 (Deer Park ISD PIO# 09-039).

The Deer Park Independent School District (the "district") received a request for seven categories of information pertaining to Request for Proposal number 09-017. Although you take no position as to whether the submitted information is excepted under the Act, you state that release of this information may implicate the proprietary interests of third parties. Accordingly, you indicate you have notified SunGard Public Sector ("SunGard") and GoalView of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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.

Initially, we note that although the requestor seeks seven categories of information, you have only submitted one category of information responsive to the request. Therefore, to the extent any additional responsive information existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See Gov't Code* § 552.305(d)(2)(B). As of the date of this letter, neither SunGard nor GoalView have submitted to this office any reasons explaining why the submitted information should not be released. Thus, we have no basis for concluding that any portion of the submitted information constitutes proprietary information of these third parties. *See Open Records Decision Nos. 661 at 5-6 (1999)* (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret). Therefore, the district may not withhold the submitted information based on any proprietary interests that SunGard or GoalView may have in the information. As no exceptions to disclosure have been raised, the submitted information must be released.¹

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

¹We note the information being released contains the insurance policy numbers of the requestor's company. The requestor has a right of access to his own company's insurance policy numbers. *See Gov't Code* § 552.023(a) (person or person's authorized representative has a special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests). Because such information may be confidential with respect to the general public, if the district receives another request for this information from a different requestor, the district must again seek a ruling from this office.

Ref: ID# 352579

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

c: Jeff Haun
Executive
SunGard Public Sector
3 West Browd Street, Suite 1
Bethlehem, Pennsylvania 18018
(w/o enclosures)

Cathy D. Zier
Manager
GoalView
2391 Circadian Way
Santa Rosa, California 95407
(w/o enclosures)
