



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

August 21, 2009

Ms. Caroline E. Cho
Assistant County Attorney
Williamson County, Texas
405 Martin Luther King, #7
Georgetown, Texas 78626

OR2009-11825

Dear Ms. Cho:

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# 353656.

Williamson County (the "county") received a request for the top three proposals for the county's credit card processing RFP from a specified month. You state the county takes no position as to whether the submitted information must be released to the requestor, but you indicate that the submitted documents may contain third parties' proprietary information subject to exception under the Act. Accordingly, you have notified Certified Payments, Official Payments, and Hamer Enterprises ("Hamer") of this request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received comments from Hamer. We have considered the submitted arguments and reviewed the submitted information.

We note that the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-09042 (2009). In Open Records Letter No. 2009-09042, we ruled that the county must withhold the portions of Hamer's information we marked under section 552.110 of the Government Code and release the remaining information in accordance with copyright law. The information you have submitted contains the exact same information we ruled upon in the previous decision. We conclude that, as we have no indication that the law, facts, and circumstances on which the prior ruling was based have changed, the county must continue to rely on that 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same

governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/jb

Ref: ID# 353656

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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(w/o enclosures)

Ms. Peggy Comptom
Official Payments
10780 Parkridge Boulevard, Suite 400
Reston, Virginia 20191
(w/o enclosures)

Mr. William C. Hamer
Hamer Enterprises
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McAllen, Texas 78504
(w/o enclosures)