



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 16, 2009

Ms. Amanda M. Bigbee  
General Counsel  
Keller Independent School District  
350 Keller Parkway  
Keller, Texas 76248

OR2009-13098

Dear Ms. Bigbee:

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# 355501.

The Keller Independent School District (the "district") received a request for the responses to the district's request for proposals ("RFP") for delinquent tax collection services. You take no position on the public availability of the requested information. You believe, however, that this request for information may implicate the proprietary interests of Perdue, Brackett, Flores, Utt, & Burns ("Perdue"); Linebarger Goggan Blair & Sampson, LLP ("Linebarger"); and the Law Offices of Robert E. Luna, P.C. ("Luna"). You notified the interested third parties of this request for information and of their right to submit arguments to this office as to why the information should not be released. *See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

Initially, we note a portion of the requested information is subject to a previous determination issued by this office in Open Records Letter No. 2009-11895 (2009). In that decision, this office ruled the district must release the proposal responses of Linebarger and Luna in accordance with copyright law. You do not indicate that the law, facts, or circumstances have changed since the issuance of this prior ruling. Thus, the district must continue to rely

on our ruling in Open Records Letter No. 2009-11895 as a previous determination and release Linebarger's and Luna's information at issue in accordance with that decision and copyright law. *See* Open Records Decision No. 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 a prior attorney general ruling; ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). We will next address the remaining information, which consists of Perdue's proposal response, as it is not subject to the previous determination.

We note that an interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from Perdue. Thus, Perdue has not demonstrated that any of its information is proprietary for the purposes of the Act. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, none of its information may be withheld on that basis.

Lastly, we note that some of Perdue's information appears to be protected by copyright. A governmental body must allow inspection of copyrighted information unless an exception to disclosure applies to the information. *See* Attorney General Opinion JM-672 (1987). An officer for public information also must comply with copyright law, however, and is not required to furnish copies of copyrighted information. *Id.* A member of the public who wishes to make copies of copyrighted information must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. *See* Open Records Decision No. 550 at 8-9 (1990).

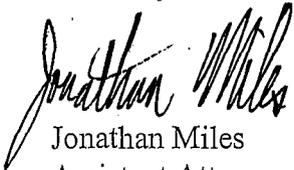
In summary, the district must release the proposal responses of Linebarger and Luna in accordance with this office's ruling in Open Records Letter No. 2009-11895 and copyright law. Perdue's proposal must be released to the requestor, but any information protected by copyright may only be released in accordance with copyright law.

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](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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Miles". The signature is written in a cursive style with a large initial "J".

Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/cc

Ref: ID# 355501

Enc. Submitted documents

c: Requestor  
(w/o enclosures)