



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 16, 2009

Mr. Robert J. Perez  
Shelton & Valadez, P.C.  
600 Navarro, Suite 500  
San Antonio, Texas 78205

OR2009-14673

Dear Mr. Perez:

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# 359107.

HFLI Academies of Texas ("HFLI"), which you represent, received a request for (1) a specified IRS form, including all attachments, schedules, and appendices; (2) minutes from specified board of trustee meetings since incorporation; (3) the lease for HFLI's school building for the 2009-2010 school year; (4) a specified network service agreement for the 2009-2010 school year; (5) all contracts made between HFLI's San Antonio school and outside vendors, service providers, consultants, and partner organizations for the 2009-2010 school year; (6) a specified employee manual and basic employee contract for the 2009-2010 school year; and (7) the annual budget for the 2009-2010 school year. You state you have no documents responsive to requested item 6.<sup>1</sup> You state you are releasing requested items 1 through 4 and 7. Although you take no position with respect to the public availability of the submitted information responsive to item 5, you state that the submitted documents may contain proprietary information subject to exception under the Act. Accordingly, you state, and provide documentation showing, that HFLI notified Selrico Services, Inc.; Documentation, Inc.; and Education Service Center Region 20 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. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (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.

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<sup>1</sup>We note the Act does not require a governmental body to release information that did not exist at the time the request for information was received or create new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

We note 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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the third parties have submitted comments to this office explaining why any portion of the submitted information should not be released to the requestor. Therefore, we have no basis to conclude that any of the third parties have a protected proprietary interest in the submitted information, and none of it may be withheld on that basis. *See id.* § 552.110; 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), 542 at 3 (1990). As no exceptions against disclosure have been raised, the submitted information must be released.

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,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/jb

Ref: ID# 359107

Enc. Submitted documents

c: Requestor  
(w/o enclosures)