



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 16, 2009

Mr. Robert N. Jones, Jr.
Associate General Counsel
Texas Workforce Commission
101 East 15th Street
Austin, Texas 78778-0001

OR2009-17826

Dear Mr. Jones:

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# 364489 (TWC Tracking Nos. 090925-028 and 090928-049).

The Texas Workforce Commission (the "commission") received two requests for information relating to a specified bid proposal. Although you take no position regarding the public availability of the submitted information, you state the release of the information may implicate the rights of the third parties whose information has been requested. You state, and provide documentation showing, that you have notified the interested third parties of their right to submit arguments to this office as to why their submitted information should not be released.¹ *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

¹The third parties are: The University of Texas at Austin (First Bytes Camp), The University of Texas at Austin (GeoFORCE Camp), The University of Texas at Austin Cockrell School of Engineering, The University of Texas at Arlington, San Jacinto College District, Prairie View A&M University, The University of Texas at Dallas, Texas A&M University, Texas A&M University – Texarkana, Texas State Technical College – Waco, Midwestern State University, Texas State Technical College – West Texas, Northwest Vista College, The University of North Texas, The University of Texas at San Antonio, Texas A&M University – Kingsville, Women's Summer Mathematics Academy, and Austin Community College District.

third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from The University of Texas at Austin Cockrell School of Engineering stating that it does not object to the release of its information. We have reviewed the submitted information.

We note that 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, we have not received correspondence from any of the remaining third parties explaining why their information should not be released. Thus, we have no basis for concluding that any portion of the submitted information pertaining to these third parties constitutes proprietary information, and the commission may not withhold any portion of the submitted information on that basis. *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), 542 at 3 (1990). As no exceptions to disclosure are 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, 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,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/jb

Ref: ID# 364489

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

Mr. Doug Ratcliff
P.O. Box B
University Station
Austin, Texas 78713-8902
(w/o enclosures)

Ms. Amanda Miller
The University of Texas at Dallas
800 West Campbell Road
MP15
Richardson, Texas 75080
(w/o enclosures)

Ms. Tiffany Grady
The University of Texas at Austin
1 University Station, MC 0500
Austin, Texas 78712
(w/o enclosures)

Ms. Diane Hurtado
Texas A&M University
204 Zachry Engineering Center
College Station, Texas 77843-3127
(w/o enclosures)

Dr. Carter Tiernan
The University of Texas
416 Yates Street, Suite 620
Box 19019
Arlington, Texas 76019-0019
(w/o enclosures)

Mr. Andrew Schuetze
Director
Northwest Vista College
TIER Robotics Support center
3535 North Ellison Drive
San Antonio, Texas 78251-4217
(w/o enclosures)

Ms. Sherry Jones
Executive Director
San Jacinto College District
8060 Spencer Highway, T207
Pasadena, Texas 77505
(w/o enclosures)

Dr. Grant W. Simpson, Ph.D
Dean and Professor
Midwestern State University
West College of Education
3410 Taft Boulevard
Witchita Falls, Texas 76308-2099
(w/o enclosures)

Ms. Pamela Aobiomon
Prairie View A&M University
Preston @ O'Bannion Street
New Electrical Engineering
Building, Room 315
Prairie View, Texas 77446
(w/o enclosures)

Mr. David Boerner
The University of Texas at Austin
Cockrell School of Engineering
Office of Sponsored Projects
101 East 27th Street, Suite 4.300
Austin, Texas 78712
(w/o enclosures)

Dr. Richard Armenta, Ph.D.
Associate Vice President
Student Success
5930 Middle Fiskville Road
Austin, Texas 78752
(w/o enclosures)

Dr. Raul "Rudy" A. Reyna
Executive Director
The University of Texas
501 West Durango Boulevard
San Antonio, Texas 78207
(w/o enclosures)

Ms. Sandra D. Garcia
Texas A&M University-Kingsville
700 University Boulevard
MS 201
Kingsville, Texas 78363
(w/o enclosures)

Mr. Carliss Hyde
Executive Director
Office of Sponsored Programs
3801 Campus Drive
Waco, Texas 76705
(w/o enclosures)

Mr. Jay B. McMillen
Assistant Director
Office of Research Services
Box 41035
Lubbock, Texas 79409-1035
(w/o enclosures)

Dr. Robert Akl
Associate Professor
University of North Texas
1155 Union Circle, #311366
Denton, Texas 76203-5017
(w/o enclosures)

Mr. Mark Hampton
Texas State Technical College
Resource Development
300 Homer K. Taylor Drive
Sweetwater, Texas 79556-4108
(w/o enclosures)

Dr. David Allard
Dean of Graduate Studies and Research
Texas A&M University-Texarkana
2600 North Robinson Road
Texarkana, Texas 75505-5518
(w/o enclosures)