



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 14, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2010-00765

Dear Mr. Bounds:

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# 367322.

The City of Corpus Christi (the "city") received a request for all responses from all agencies that bid on a specified Request for Proposals. Although you raise no exceptions to disclosure of the requested information, you state release of this information may implicate the proprietary interests of third parties. You inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the city has notified the interested third parties of the request and of their right to submit arguments to this office explaining why their information should not be released.¹ 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 Adecco. We have reviewed the submitted information.

¹The interested third parties are Express Employment Professionals, Absolute Staffing L.P., Adecco Employment Services ("Adecco"), Advance'd Temporaries, Inc., ManPower, Maxim Staffing Solutions, Focus 1HR Group, Kelly Services, Inc., Remedy Intelligent Staffing, SOS Staffing Services, Inc., Unique Employment Services, and L.K. Jordan & Associates.

Initially, we note that some of the requested information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2010-00384 (2010). In that ruling, we determined that the city must withhold a portion of the submitted information under sections 552.110, 552.130, and 552.136 of the Government Code. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the city must rely on Open Records Letter No. 2010-00384 as a previous determination and continue to treat the previously ruled upon information in accordance with that ruling.² *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 prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Next, we note 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 the third 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 any of the other third parties. Thus, because these third parties have not demonstrated that any of the requested information is proprietary for the purposes of the Act, the city may not withhold any of the information on that basis. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, because the city does not claim an exception to disclosure, the remaining information must be released.³

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

²As our ruling for this information is dispositive, we need not address Adecco's arguments against disclosure.

³We note that the requested information contains partial social security numbers. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

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,



Andrea L. Caldwell
Assistant Attorney General
Open Records Division

ALC/eeg

Ref: ID# 367322

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Sylvia Olivarez
Absolute Staffing, L.P.
4535 South Padre Island Drive, #9
Corpus Christi, Texas 78411
(w/o enclosures)

Mr. Henry Eidenmuller
Express Employment Professionals
2820 South Padre Island Drive, Suite 114
Corpus Christi, Texas 78415
(w/o enclosures)

Ms. Roybn McCauley
Adecco Employment Services
5151 Flynn Parkway, Suite 103
Corpus Christi, Texas 78411
(w/o enclosures)

Mr. William R. Hibbs II
L.K. Jordan & Associates
321 Texas Trail, Suite 100
Corpus Christi, Texas 78411
(w/o enclosures)

Ms. Norma J. Ochoa
ManPower
5402 South Staples, Suite 103
Corpus Christi, Texas 78411
(w/o enclosures)

Mr. Murray Smith
Focus 1 HR Group
101 north Shoreline, Suite 304
Corpus Christi, Texas 78401
(w/o enclosures)

Ms. Kim Howard
Kelly Services, Inc.
5656 South Staples, Suite 220
Corpus Christi, Texas 78411
(w/o enclosures)

Ms. Kimberly Vidrine
Remedy Intelligent Staffing
7800 IH 10 West, Suite 123
San Antonio, Texas 78230
(w/o enclosures)

Ms. Marlene Ethridge
SOS Staffing Services, Inc
226 Enterprize Parkway, Suite 120
Corpus Christi, Texas 78405
(w/o enclosures)

Mr. Ben Roberts
Maxim Staffing Solutions
4444 Corona Drive, Suite 137
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Mr. R. Dale Hoy
Unique Employment Services
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