



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 27, 2010

Mr. James G. Nolan
Assistant General Counsel
Open Records Section
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

OR2010-01307

Dear Mr. Nolan:

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# 368489 (your ID# 5997986854).

The Texas Comptroller of Public Accounts (the "comptroller") received a request for the unsuccessful vendors' responses to a specified invitation for bid. We understand that some of the requested information either has been or will be released. You take no position on the public availability of the submitted information. You believe, however, that the submitted information may implicate the proprietary interests of PrintMailPro.com. You inform us that PrintMailPro.com was notified of this request for information and of its right to submit arguments to this office as to why the submitted information should not be released.¹ We have reviewed the submitted information.

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

¹*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).

correspondence from PrintMailPro.com. Thus, because PrintMailPro.com has not demonstrated that any of the submitted information is proprietary for the purposes of the Act, the comptroller may not withhold any of the information at issue on that basis. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, as the comptroller does not claim an exception to disclosure, 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,

A handwritten signature in black ink, appearing to read 'J.W. Morris, III', with a long horizontal line extending to the right.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 368489

Enc: Submitted documents

c: Requestor
(w/o enclosures)

Mr. Keith Daboub
PrintMailPro.com
2500 McHale Court Suite 100
Austin, Texas 78758
(w/o enclosures)