



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

February 24, 2010

Mr. Reg Hargrove
Assistant Attorney General
Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2010-02786

Dear Mr. Hargrove:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 371351 (PIR No. 09-26749).

The Office of the Attorney General (the "OAG") received the requestor's clarified request limiting the information he seeks to "the evaluation spreadsheet and scoring summary related to the 2009 Electronic Data Discovery Process Services RFP." The OAG takes no position as to disclosure of the information. Rather, because release of the information may implicate third parties' proprietary interests, the OAG notified InfoEdge Technology, Inc.; Scarab Consulting; Rainmaker Document Technologies; and IKON Office Solutions, Inc. ("IKON") of the request and of their right to submit arguments to this office as to why their information should not be released. Gov't Code § 552.305(d) (permitting third party with proprietary interest to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under Public Information Act in certain circumstances).

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

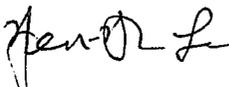
information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, only IKON submitted to this office arguments explaining why its information should not be released. We thus have no basis to conclude release of the information will harm the other companies' proprietary interests. *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). Accordingly, the OAG may not withhold the other companies' information based on any proprietary interests they may have.

IKON argues section 552.110 of the Government Code excepts its information from public disclosure. However, the submitted information does not include IKON's information. Accordingly, the OAG must release the submitted information.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 371351

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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