



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 19, 2010

Mr. W. Montgomery Meitler  
Assistant Counsel, Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR2010-03919

Dear Mr. Meitler:

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# 375393 (TEA PIR No. 12513).

The Texas Education Agency ("TEA") received a request for the response of Education Service Center, Region 20 (the "center") to a specified request for proposals. You take no position on the public availability of the requested information. You believe, however, that this request for information may implicate the center's proprietary interests. You inform us that the center was notified of this request for information and of its right to submit arguments to this office as to why the requested information should not be released.<sup>1</sup> We have reviewed the information you submitted.

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 the center. Thus, because the center has not demonstrated that any of the submitted information is proprietary for the purposes of the Act, TEA may not withhold

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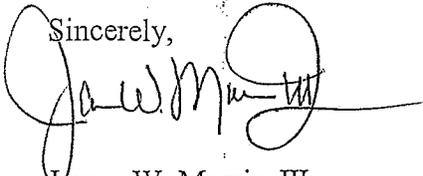
<sup>1</sup>*See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

any of the submitted information on that basis. *See id.* § 552.110(a)-(b); Open Records Decision Nos: 552 at 5 (1990), 661 at 5-6 (1999). Therefore, as TEA 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](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 flourish extending to the right.

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

JWM/cc

Ref: ID# 375393

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Terry W. Smith  
Education Service Center, Region 20  
1314 Hines Avenue  
San Antonio, Texas 78208  
(w/o enclosures)