



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 22, 2010

Mr. John A. Kazen
Kazen, Meurer & Pérez, LLP
P.O. Box 6237
Laredo, Texas 78042

OR2010-03987

Dear Mr. Kazen:

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# 373868.

The Laredo Independent School District (the "district"), which you represent, received a request for a specified internal auditor's report pertaining to copier services. Although you take no position as to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of Xerox Corporation ("Xerox"). Thus, pursuant to section 552.305 of the Government Code, you notified Xerox of the request and of the company's right to submit arguments to this office as to why its information should not be released. Gov't Code § 552.305(d); *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 to disclosure under the Act in certain circumstances). We have reviewed the submitted information.

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). Xerox has not provided any comments to this office explaining why any portion of the submitted information should not be released. Therefore, we have no basis to conclude Xerox has any protected proprietary interest in the submitted information. *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. Consequently, the district may not withhold any of the submitted information on the basis of any proprietary interest Xerox may have in the information. As you raise no exceptions to disclosure, the submitted report must be released in its entirety.

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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 373868

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

Mr. Danny G. Harris
Account General Manager
8700 Freeport Parkway, Suite 120
Irving, Texas 75063
(w/o enclosures)