



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 20, 2010

Ms. Neera Chatterjee  
Office of General Counsel  
University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2010-05620

Dear Ms. Chatterjee:

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# 376450.

The University of Texas at Austin (the "university") received a request for the proposals and signed contracts relating to bid numbers 00904875 and 83204. You state the university has released some of the responsive information. Although you take no position regarding the public availability of the submitted fee proposals, you state the release of the information may implicate the rights of the third parties whose information has been requested. Accordingly, you state, and provide documentation showing, that you have notified the third parties of the request and of their right to submit arguments to this office as to why their submitted information should not be released.<sup>1</sup> See Gov't Code § 552.305(d); see also Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

Initially, you inform us the university asked the requestor to clarify the portion of the request relating to bid number 83204. We note that a governmental body may communicate with a requestor for the purpose of clarifying or narrowing a request for information. See Gov't Code § 552.222(b); *City of Dallas v. Abbott*, No. 07-0931, 2010 WL 571972 at \*3 (Tex.

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<sup>1</sup>The third parties are: Oliver Video Productions, Inc.; Hennig Productions; E. H. Anderson Public Relations; Boa Vista, L.L.C.; Audion Media; and Giant Video Productions, Inc.

February 19, 2010) (holding that when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-day period to request attorney general opinion is measured from date the request is clarified or narrowed). You state the university has not received a response to its request for clarification. Accordingly, we find the university has no obligation at this time to release any information that may be responsive to the parts of the request for which it has not received clarification. However, if the requestor responds to the request for clarification, the university must seek a ruling from this office before withholding any responsive information from the requestor.

We note that 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 requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received correspondence from any of the third parties explaining why their information should not be released. Thus, we have no basis for concluding that any portion of the submitted information pertaining to these third parties constitutes proprietary information, and the university may not withhold any portion of the submitted information on that basis. *Cf.* 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. As no exceptions to disclosure are raised, 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,



Pamela Wissemann  
Assistant Attorney General  
Open Records Division

PFW/cc

Ref: ID# 376450

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)

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