



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 18, 2010

Mr. Humberto F. Aguilera
Attorneys for San Antonio Independent School District
Escamilla & Poneck, Inc.
P.O. Box 200
San Antonio, Texas 78291.

OR2010-07116

Dear Mr. Aguilera:

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# 379682.

The San Antonio Independent School District (the "district"), which you represent, received a request for the "price submittal form" of the winning vendor in regards to a specified request for proposals. Although the district takes no position on the release of the submitted information, you explain that this information may contain a third party's proprietary information subject to exception under the Act. Accordingly, you have notified NetSync Network Solutions ("NetSync") of this request for information and of its right to submit arguments to this office explaining why the submitted information should not be released. See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

Initially, we note that the requestor seeks only NetSync's "price submittal form". Accordingly, any additional information is not responsive to the instant request. The district need not release non-responsive information in response to this request, and this ruling will not address that information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, we have not received correspondence from NetSync. Thus, NetSync has not demonstrated that it has a protected proprietary interest in any of the responsive information. *See id.* § 552.110(a)-(b); 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). Therefore, the district may not withhold any of the responsive information on the basis of any proprietary interest NetSync may have in it. As no exceptions to disclosure are raised, the responsive 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/eeg

Ref: ID# 379862

Enc. Submitted documents

cc: Requestor
(w/o enclosures)