



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 16, 2010

Mr. Tom Tracy
Assistant General Counsel
Office of the General Counsel
University of Houston System
311 East Cullen Building
Houston, Texas 77204-2028

OR2010-10571

Dear Mr. Tracy:

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# 386896.

The University of Houston (the "university") received a request for a copy of the "Payment Bond for Labor and Material" for a specified project. You take no position on the public availability of the requested information. You believe, however, that this request for information may implicate the proprietary interests of third parties.¹ You inform us that the interested parties were notified of this request for information and of their right to submit arguments to this office as to why the requested information should not be released. *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). 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 id.* § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from the third parties that were notified. Therefore, because the third parties have not demonstrated that any of the information at issue is proprietary for the purposes of

¹You inform us that the interested third parties are Continental Contractors, Inc. and Hartford Fire Insurance Company.

the Act, the university may not withhold 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). As no exceptions against disclosure have been 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, 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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 386896

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Continental Contractors, Inc.
410 Severn Avenue
Annapolis, Maryland 21403
(w/o enclosures)

Hartford Fire Insurance Company
One Hartford Plaza
Hartford, Connecticut 06155
(w/o enclosures)