



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 30, 2010

Ms. Maria Miller  
Public Information Officer  
Dallas County Community College District  
1601 South Lamar, Suite 208  
Dallas, Texas 75215-1816

OR2010-11478

Dear Ms. Miller:

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# 388595.

The Dallas County Community College District (the "district") received a request for all bid proposals, other than the requestor's, submitted for Request For Proposals number 11743, SIP Trunking Evaluation. Although you state the district takes no position with respect to the public availability of the submitted bid proposals, you state their release may implicate the proprietary interests of several third parties. Accordingly, you state, and provide documentation showing, the district notified AT&T, PAETEC, Smoothstone IP Communications, and XO Communications of the request and of each company's right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code § 552.305(d); see also Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under 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).* As of the date of this letter, we have not received comments from any of the notified third parties explaining why the submitted information should not be released.

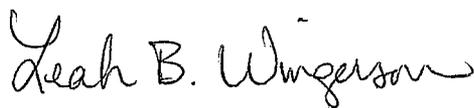
Therefore, we have no basis to conclude any of these companies have protected proprietary interests in this information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory 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 interests the notified third parties may have in the information.

Some of the submitted information appears to be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Attorney General Opinion JM-672 (1987). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.* If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. *See* Open Records Decision No. 550 (1990). Accordingly, the submitted information must be released, but any information protected by copyright must be released in accordance with copyright law.

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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 388595

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Sean Green  
Regional Sales Manager  
Smoothstone IP Communications  
401 South Fourth Street, Suite 200  
Louisville, Kentucky 40202  
(w/o enclosures)

Mr. Bobby Williams  
Enterprise Account Executive  
XO Communications  
1300 West Mockingbird Lane, Suite 200  
Dallas, Texas 75247  
(w/o enclosures)

Ms. Lori L. Brainard  
Strategic Account Lead  
AT&T  
1116 Houston Street, Room 1307  
Fort Worth, Texas 76102  
(w/o enclosures)

Mr. Nathan Adair  
Business Development Manager  
PAETEC  
16479 Dallas Parkway, Suite 700  
Addison, Texas 75001  
(w/o enclosures)