



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 7, 2010

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

ATTORNEY GENERAL OF TEXAS

OR2010-13504

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# 393253.

The University of Houston (the "university") received a request for a bid tabulation regarding a specified request for offer. Although you take no position on the public availability of the submitted information, you state that the information at issue may implicate the interests of third parties. Accordingly, you submit documentation showing that you notified C Link Corporation, MCA Communications, Network Cabling, Mastec North American, and Electra Link of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); 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.

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) of the Government Code 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 arguments from any of the interested third parties. We, thus, have no basis for concluding that any portion of the submitted information constitutes proprietary information of the third parties. *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. Accordingly, the university may not withhold any of the submitted information based on the proprietary interests of any interested third parties. 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,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 393253

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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C Link Corporation  
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Pearland, Texas 77581  
(w/o enclosures)

Mr. Colin Smith  
Network Cabling  
12626 Fuqua Street  
Houston, Texas 77034  
(w/o enclosures)

Mr. Bruce Reeves  
MCA Communications  
525 Northville  
Houston, Texas 77037  
(w/o enclosures)

Mr. Chris Brittain  
Mastec North American  
4747 Irving Boulevard  
Dallas, Texas 76247  
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Mr. Dale Pearson  
Electra Link  
21755 IH-45 N, Building 10  
Spring, Texas 77388  
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