



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 28, 2010

Mr. James R. Lindley
General Counsel
Central Texas College
P.O. Box 1800
Killeen, Texas 76540-1800

OR2010-14745

Dear Mr. Lindley:

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# 395210.

Central Texas College (the "college") received a request for a copy of the contract between MBS Direct Textbooks ("MBS") and the college regarding the supply of textbook services. The college takes no position on whether the requested contract is excepted from disclosure, but states that release of this information may implicate the proprietary interests of MBS. Accordingly, you inform us, and provide documentation showing, that you notified MBS of the request and of its right to submit arguments to this office as to why the requested contract 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.

Initially, we note most of the submitted information is not responsive to the instant request for information because it does not consist of the contract specified in the request. The college need not release non-responsive information in response to this request, and this ruling will not address that information.

Next, you inform us that the submitted responsive contract was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2008-13149A (2008). In Open Records Letter No. 2008-13149A, we determined the

college must release the requested contract. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the college must rely on Open Records Letter No. 2008-13149A as a previous determination and continue to treat the previously ruled upon contract in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/tp

Ref: ID# 395210

Enc. Submitted documents

c: Requestor
(w/o enclosures)

MBS Direct Textbooks
Attn: Mr. Dennis Flanagan
Chief Executive Officer
2711 West Ash
Columbia, Missouri 65203
(w/o enclosures)