



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 27, 2010

Mr. Tom Tracy  
Assistant General Counsel  
The University of Houston System  
E. Cullen Building, Suite 311  
Houston, Texas 77204-2162

OR2010-16314

Dear Mr. Tracy:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 398671.

The University of Houston (the "university") received a request for "the current [b]ook store contract with Barnes & Noble and Food Service Contract with Fresh Food Company (Aramark)." The university takes no position as to disclosure of the requested information. Because release of the information may implicate the proprietary interests of Barnes & Noble and Aramark, the university notified the companies of the request and of their right to submit arguments to this office as to why their information should not be released. Gov't Code § 552.305(d) (permitting third party with proprietary interest to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under Public Information Act in certain circumstances).

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, neither company has submitted to this office any reasons explaining why the information should not be released. We thus have no basis to conclude release of the information will harm the companies' proprietary interests. *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 (1990). Accordingly, the university may not withhold the information based on any proprietary interests the companies may have. The university must release the information.

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/bs

Ref: ID# 398671

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Kimberly Otte  
Barnes & Noble  
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Basking Ridge, New Jersey 07920  
(w/o enclosures)

Aramark Educational Services of Texas, LLC  
1199 Belt Line Road South  
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