



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 10, 2010

Ms. Lauri Schneidau Ruiz
Assistant General Counsel
University of Houston System
Ezekiel Cullen Building, Suite 311
Houston, Texas 77204

OR2010-17067

Dear Ms. Ruiz:

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# 399580.

The University of Houston (the "university") received a request for information related to the sale of beverages in automated vending machines on property owned or controlled by the university. Although you take no position with respect to the requested information, you state that the release of the submitted information may implicate the proprietary interests of third parties. Accordingly, you state you have notified the interested third parties of this request and of their right to submit arguments stating why their information should not be released.¹ *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

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, none of the interested third parties have submitted to this office reasons explaining why their information should not be released. Therefore, these third parties have provided us with no basis to conclude that they have protected proprietary interests in the submitted information. Accordingly, the university may

¹The third parties notified pursuant to section 552.305 were Coca Cola Enterprises/Houston Coca-Cola Bottling Company and Coca-Cola North America.

not withhold any portion of the submitted information on the basis of any proprietary interest that the interested third parties may have in this information. As you raise no further exceptions to disclosure, the submitted information must be released to the requestor.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 399580

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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Ms. Marcia Carnes
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