



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 30, 2010

Ms. Nelia J. Robbi
McGinnis, Lochridge & Kilgore, L.L.P.
For Round Rock Independent School District
600 Congress Avenue, Suite 2100
Austin, Texas 78701

OR2010-17874

Dear Ms. Robbi:

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# 401365.

The Round Rock Independent School District (the "district"), which you represent, received a request for the district's vendor directory and the status of each vendor as a woman-owned or minority-owned business. You seek to release the requested information to this requestor as an inter-governmental transfer, but also claim that the requested information is excepted from disclosure under section 552.128 of the Government Code. We have considered your claims and reviewed the submitted information.

Section 552.128 of the Government Code provides the following:

- (a) Information submitted by a potential vendor or contractor to a governmental body in connection with an application for certification as a historically underutilized or disadvantaged business under a local, state, or federal certification program is excepted from the requirements of Section 552.021, except as provided by this section.

(b) Notwithstanding Section 552.007 and except as provided by Subsection (c), the information may be disclosed only:

(1) to a state or local governmental entity in this state, and the state or local governmental entity may use the information only:

(A) for purposes related to verifying an applicant's status as a historically underutilized or disadvantaged business; or

(B) for the purpose of conducting a study of a public purchasing program established under state law for historically underutilized or disadvantaged businesses; or

(2) with the express written permission of the applicant or the applicant's agent.

(c) Information submitted by a vendor or contractor or a potential vendor or contractor to a governmental body in connection with a specific proposed contractual relationship, a specific contract, or an application to be placed on a bidders list, including information that may also have been submitted in connection with an application for certification as a historically underutilized or disadvantaged business, is subject to required disclosure, excepted from required disclosure, or confidential in accordance with other law.

Gov't Code § 552.128. The district does not indicate that any of the submitted information was submitted to the district in connection with an application for certification as a historically underutilized or disadvantaged business under a local, state, or federal certification program. We therefore conclude that the district may not withhold any of the submitted information under section 552.128 of the Government Code. As you raise no other exception to disclosure, the submitted information must be released to the requestor.¹

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

¹As we are able to make this determination, we do not address your assertion of the inter-governmental transfer doctrine.

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,

A handwritten signature in black ink, appearing to read "C. Nettles".

Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 401365

Enc. Submitted documents

c: Requestor
(w/o enclosures)