



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 15, 2010

Ms. Cary Grace  
Assistant City Attorney  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-2268

OR2010-18848

Dear Ms. Grace:

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# 404718.

The City of Austin (the "city") received a request for submitted proposals for audit software. Although you take no position on the public availability of the requested information, you believe the information may implicate the proprietary interests of CCH TeamMate ("CCH"). You inform us CCH was notified of this request for information and of its right to submit arguments to this office as to why the requested information should not be released.<sup>1</sup> We have reviewed the information you submitted.

We note an interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from CCH. Thus, because CCH has not demonstrated any of the information at issue is proprietary for the purposes of the Act, the city may not withhold any of the submitted information on the basis of any proprietary interest CCH may have in the

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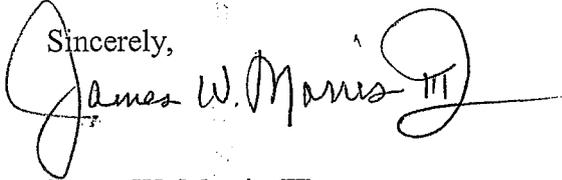
<sup>1</sup>See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). As the city does not claim an exception to disclosure, 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,

A handwritten signature in cursive script that reads "James W. Morris III". The signature is written in black ink and includes a long horizontal flourish extending to the right.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/vb

Ref: ID# 404718

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Jeff Brandeis  
CCH TeamMate  
4025 West Peterson Avenue  
Chicago, Illinois 60646  
(w/o enclosures)