



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 12, 2011

Ms. Susan Camp-Lee
Sheets & Crossfield, P.C.
309 East Main Street
Round Rock, Texas 78664-5246

OR2011-00631

Dear Ms. Camp-Lee:

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# 405749.

The City of Round Rock (the "city"), which you represent, received a request for proposals received by the city in response to RFP 10-028 for the Library Material Security Gate System. You state you have redacted insurance policy numbers from the submitted information under section 552.136 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ Although you raise no exceptions to disclosure of the submitted information, you state release of this information may implicate the proprietary interests of third parties. You inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the city notified Bibliotheca, Inc; Integrated Technology Group; Sentry Technology Corporation; and Tech Logic of the request and of their right to submit arguments to this office explaining why their information should not be released. *See* Gov't Code § 552.305 (permitting interested third party 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 section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

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

¹We note this office issued Open Records Decision No. 684, a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

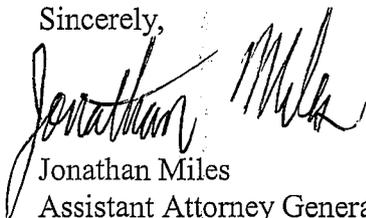
reasons, if any, as to why information relating to the third party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from any of the notified third parties. Thus, because these third parties have not demonstrated that any of the requested information is proprietary for the purposes of the Act, the city may not withhold any of the information on that basis. *See id.* § 552.110(a)-(b); 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.

We note portions of the submitted information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *See* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. Accordingly, as no exceptions to disclosure have been raised, the city must release the submitted information, but any information protected by copyright may only be released in accordance with copyright law.

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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 405749

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Lamar Jackson
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Bibliotheca, Inc.
2121 Metro Circle
Huntsville, Alabama 35801
(w/o enclosures)

Ms. Lina Maya
Library Sales Manager
Sentry Technology Corporation
1881 Lakeland Avenue
Ronkonkoma, New York 11779
(w/o enclosures)

Ms. Candice Gwin Oliver
Central States Account Manager
Integrated Technology Group
5000 Miller Court East
Norcross, Georgia 30071
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Mr. Gary W. Kirk
Executive Director
Tech Logic
1818 Buerkle Road
White Bear Lake, Minnesota 55110
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