



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 24, 2011

Ms. Connie Watson
Public Affairs Manager
Williamson County
710 South Main Street, Suite 101
Georgetown, Texas 78626

OR2011-01151

Dear Ms. Watson:

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# 406829.

Williamson County (the "county") received a request for seven categories of information related to the 2009 Landfill Operating Agreement audit, including the bid submitted by the selected auditor. Although you raise no exceptions to disclosure of the submitted information, you state release of this information may implicate the proprietary interests of Weaver and Tidwell, LLP ("Weaver"). You inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the county notified Weaver of the request and of its right to submit arguments to this office explaining why its 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 bid proposal from Weaver.

As noted above, you have only submitted Weaver's bid proposal for review. We note that you did not submit the remaining six categories of requested information. Therefore, to the extent this information existed on the date the county received the request, we assume the county has released it to the requestor. If you have not released any such information, you must release it to the requestor at this time. *See id.* §§ 552.301(a); .302; Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible under circumstances).

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 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 Weaver. Thus, because this third party has not demonstrated that any of the requested information is proprietary for the purposes of the Act, the county may not withhold any of the submitted 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 (1990). As no arguments against disclosure have been raised, 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,



Andrea L. Caldwell
Assistant Attorney General
Open Records Division

ALC/eeg

Ref: ID# 406829

Enc. Submitted documents

c: Requestor
(w/o enclosures)