



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 17, 2011

Mr. Jason L. Mathis
Cowles & Thompson
901 Main Street, Suite 3900
Dallas, Texas 75202

OR2011-02475

Dear Mr. Mathis:

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# 409413.

The City of Addison (the "city") received a request for the scoring results and winning proposal related to RFQ 1007-001 for EMS Billing Services. The city has released the requested scoring results. You claim release of the submitted proposal would implicate the proprietary interests of Cornerstone Adminisystems, Inc. ("Cornerstone"). Thus, pursuant to section 552.305 of the Government Code, you notified Cornerstone of the request and of the company's right to submit arguments to this office as to why its information should not be released. Gov't Code § 552.305(d); *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 to disclosure under in certain circumstances). We have reviewed the submitted information.

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, we have not received comments from Cornerstone explaining why any portion of the submitted information should not be released. Therefore, we have no basis to conclude Cornerstone has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, third 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). Consequently, the city may not withhold any of the submitted information on the basis of any proprietary interest Cornerstone may have in the information. Therefore, the submitted proposal must be released.