



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

April 7, 2011

Honorable Lonnie Hunt
Houston County Judge
Houston County
P.O. Box 370
Crockett, Texas 75835

Ms. Bridget Lamb
Houston County Clerk
Houston County
P.O. Box 370
Crockett, Texas 75835

OR2011-04816

Dear Judge Hunt and Ms Lamb:

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# 413895.

The Houston County Clerk (the "county") received a request for the microfilmed deed records and all other digital records recorded by the county. Although you take no position with respect to the public availability of the submitted information, you state its release may implicate the proprietary interests of Edoc Technologies, Inc. d/b/a Imagetek, Inc. ("Edoc"). Accordingly, you notified Edoc of the request and of its right to submit arguments to this office as to why its information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have reviewed the submitted information.

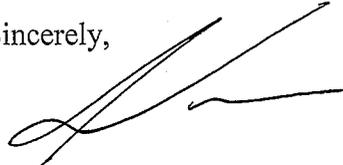
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any arguments from Edoc explaining why the submitted information should not be

released. Therefore, Edoc has not provided us with any basis to conclude it has protected proprietary interests in any of the submitted information. *See* 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. Accordingly, we conclude the county may not withhold any portion of the submitted information on the basis of any proprietary interests Edoc may have in the information. As you raise no exceptions against 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, 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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 413895

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Michelle Haas
Edoc Technologies, Inc.
1404 Washington Avenue
Waco, Texas 76701
(w/o enclosures)