



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 17, 2011

Mr. R. Brooks Moore
Managing Counsel, Governance
Texas A&M University System
200 Technology Way, Suite 2079
College Station, Texas 77845

OR2011-08674

Dear Mr. Moore:

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# 422362 (TAMU# 11-214).

The Texas A&M University System (the "university") received a request for the proposal from Connect by Hertz for the university's RFP 10-0024 and the contract award. Although you state the university takes no position with respect to the public availability of the submitted information, you state that release of this information may implicate the proprietary interest of the Hertz Corporation ("Hertz"). Accordingly, you state, and provide documentation showing, the university notified Hertz of the request and of its right to submit arguments to this office as to why the submitted 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) 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 Hertz explaining why the submitted information should not be released. Therefore, we have no basis to conclude release of the information will harm the company's proprietary interest. *See id.* § 552.110; 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. Consequently, the university may not withhold any of the submitted information on the basis of any proprietary interests Hertz may have in the information. As no exceptions to disclosure have been raised, the university must release the submitted information.

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,



Kirsten Brew
Assistant Attorney General
Open Records Division

KB/em

Ref: ID# 422362

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Pepita Boone
Account Representative
The Hertz Cooperation
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Houston, Texas 77032
(w/o enclosures)