



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 22, 2011

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P. O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2011-08922

Dear Mr. Bounds:

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# 421639.

The City of Corpus Christi (the "city") received a request for the winning proposal, contract, and bid tabulations for Request for Proposals No. BI-015306. You have released some of the requested information. Although you take no position with respect to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of Maitland Billing/Client Services FIS ("Maitland"). You inform us, and provide documentation showing, pursuant to section 552.305 of the Government Code, the city has notified Maitland 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 information.

We note 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 requested information relating to that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, Maitland has not submitted any comments to this office explaining how release of the information at issue would affect its proprietary interests. Accordingly, none of the submitted information may be withheld on

that basis. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating business enterprise claiming exception for commercial or financial information under section 552.110(b) must show by specific factual evidence 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). As no exceptions to disclosure are raised, 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](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# 421639

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Jo Caryl Smith  
Maitland Billing/Client Services  
FIS  
2001 Summit Park Drive  
Orlando, Florida 32810  
(w/o enclosures)