



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 21, 2011

Ms. Ashley D. Fourt
Assistant District Attorney
Tarrant County District Attorney's Office
401 West Belknap
Fort Worth, Texas 76196-0201

OR2011-10484

Dear Ms. Fourt:

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# 424651.

Tarrant County (the "county") received a request for twenty categories of information pertaining to the electronic case filing system, two named companies, county policies, the termination of a county employee, responses to an auditor's report, and information pertaining to a named county employee. We understand the county has released some information to the requestor. Although you take no position on whether the requested information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Sierra Systems, Inc.; XPedient Services, L.L.C; Valtech f/k/a Adea, Inc.; Tyler Technologies; Princeton Information, L.T.D.; Texas Conference of Urban Counties; and Sysinct. Accordingly, you notified these companies of the request and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental

body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.¹

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 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 any of the notified third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude the notified third parties have protected proprietary interests in this information. *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 county may not withhold any of the submitted information on the basis of any proprietary interests the notified third parties may have in the information.

We note some of the submitted information appears to be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. Accordingly, as no exceptions to disclosure have been raised, the county must release the submitted information, but any information protected by copyright may only be released in accordance with copyright law.

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

¹You state this office granted the county an extension by which to submit the responsive information until May 25, 2011. We note, however, as the county received the request on May 4, 2011, May 25, 2011 was the county's statutorily mandated deadline. *See* Gov't Code § 552.301(e) (governmental body is required to submit the responsive information to this office within fifteen business days of receiving the request). The deadlines prescribed by section 552.301 of the Government Code are fixed by statute and cannot be altered by agreement. *See* Attorney General Opinion JM-672 (1987); Open Records Decision Nos. 541 at 3 (1990) (obligations of a governmental body under predecessor to Act cannot be compromised simply by decision to enter into contract), 514 at 102 (1988).

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/agn

Ref: ID# 424651

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Sysinct
1430 Spring Hill Road, Suite 600
McLean, Virginia 22102
(w/o enclosures)

Mr. Marc Williams
Valtech f/k/a Adea
19111 Dallas Parkway, Suite 300
Dallas, Texas 75287
(w/o enclosures)

Mr. Bruce Graham
Tyler Technologies
6500 International Parkway, Suite 2000
Plano, Texas 75093
(w/o enclosures)

Mr. Chris Blair
Princeton Information, LTD
14114 Dallas Parkway, Suite 660
Dallas, Texas 75254
(w/o enclosures)

Ms. Katie Hooks
Texas Conference of Urban Counties
500 West 13th Street
Austin, Texas 78701
(w/o enclosures)

Mr. John Bergman
XPedient Services, LLC
152 Bank Street
Southlake, Texas 76092
(w/o enclosures)

Mr. John Galloway
Sierra Systems
Building One, Suite 115
4801 Southwest Parkway
Austin, Texas 78735
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