



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 29, 2011

Ms. Michelle T. Rangel
Assistant County Attorney
Fort Bend County Attorney's Office
301 Jackson Street, Suite 728
Richmond, Texas 77469

OR2011-10920

Dear Ms. Rangel:

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# 425637.

The Fort Bend County Purchasing Department (the "county") received a request for the county's current contracts for offender electronic monitoring services. Although you take no position on its public availability, you believe the requested information may implicate the interests of BI Incorporated ("BII") and Recovery Healthcare Corporation ("RHC"). You inform us the county notified BII and RHC of this request for information and of their right to submit arguments to this office as to why the requested information should not be released.¹ We have reviewed the information you submitted.

An interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from BII or RHC. Thus, because BII and RHC have not demonstrated any of the submitted information is proprietary for purposes of the Act, the county may not withhold any of the information at issue on the basis of any interest BII or RHC may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5

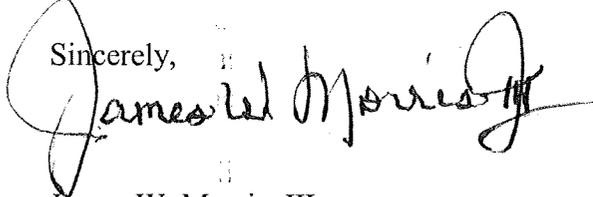
¹*See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

(1990), 661 at 5-6 (1999). Therefore, as the county does not claim an exception to 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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 425637

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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BI Incorporated
6400 Lookout Road
Boulder, Colorado 80301
(w/o enclosures)

Mr. Larry Vanderwoude
Recovery Healthcare Corporation
9090 North Stemmons, Suite A
Dallas, Texas 75247
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