



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 16, 2011

Mr. Brian Nelson
General Counsel
Lone Star College System
5000 Research Forest Drive
The Woodlands, Texas 77381

OR2011-11796

Dear Mr. Nelson:

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# 427065.

The Lone Star College System (the "system") received a request for the following information related to a request for proposals for accounts receivable collection services 1) a copy of the signed contract and the awarded vendor's proposal; 2) a copy of the evaluation/scoring document; 3) a list of companies that submitted proposals; and 4) any reports related to contract performance. You state the system will provide some of the requested information to the requestor. You also state the system does not have information responsive to items 3 and 4 of the request.¹ Although you state the system takes no position with respect to the public availability of the submitted information, you state its release may implicate the proprietary interests of Continental Service Group, Inc. d/b/a ConServe ("ConServe). Accordingly, you state, and provide documentation showing, the system notified ConServe of the request and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also*

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990).

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 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, ConServe has not submitted to this office any reasons explaining why the requested information should not be released. We thus have no basis for concluding any portion of the submitted information constitutes proprietary information of that company, and the system may not withhold any portion of the submitted information on that basis. *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. As no exceptions against disclosure have been raised, the system must release the submitted information to the requestor.

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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 427065

Enc. Submitted documents

c: Requestor
(w/o enclosures)

General Counsel
Conserve
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(w/o enclosures)