



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 19, 2011

Ms. Zeena Angadicheril
Office of the General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2011-12063

Dear Ms. Angadicheril:

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# 428160 (OGC #138078).

The University of Texas at Austin (the "university") received three requests for information related to RFP #2011021-MPDMS: one for the winning proposal and two for all documents related to the request for proposal, including responses and evaluation forms. You state some information will be released in response to the latter two requests. Although the university takes no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the proprietary interests of third parties. Accordingly, you provide documentation showing you have notified Double A Pictures, LLC ("Double A"), YOUniversityTV, Stonebridge Communications, Inc. ("Stonebridge"), Proforma Right Choice Branding ("Proforma"), and Learn About Media, Inc. of the request and their right to submit arguments to this office. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act 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 to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from Double A, YOUniversityTV, Proforma, or Learn About Media. Thus, we have no basis to conclude these entities have a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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. In addition, Stonebridge has informed you it does not object to release of its information. Accordingly, the university may not withhold any of the submitted information on the basis of any proprietary interest Double A, YOUiversityTV, Proforma, Learn About Media, or Stonebridge may have in the information. As no exceptions to disclosure have been raised, the submitted information must be released to the respective requestors.¹

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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/agn

Ref: ID # 428160

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note you have marked social security numbers in the information to be released. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting an attorney general decision under the Act. See Gov't Code § 552.147(b).

Mr. Austin Hines
Double A Pictures, LLC
2511 5th Avenue
Fort Worth, Texas 76110
(w/o enclosures)

Mr. John Fugate
Proforma Right Choice Branding
3514 Jensen Drive
Houston, Texas 77026
(w/o enclosures)

Ms. Janet Kahoe
Stonebridge Communications, Inc.
3027 Abell Avenue
Baltimore, Maryland 21218
(w/o enclosures)

Ms. Valerie Mason
YOUiversity TV
4875 Park Ridge Blvd, Suite 110
Boynton Beach, Florida 33426
(w/o enclosures)