



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 27, 2011

Ms. Lauri Schneidau Ruiz
Assistant General Counsel
University of Houston System
311 Ezekiel Cullen Building
Houston, Texas 77204-2028

OR2011-14002

Dear Mr. Ruiz:

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# 431109.

The University of Houston System (the "university") received a request for the following information pertaining to IB 09-011: (1) any signed contract; (2) the evaluation or scoring document, including prices submitted by all vendors; (3) a list of companies that requested the request for proposals and submitted a proposal; and (4) any reports over any time period related to contract performance, preferably the most recent month, quarter, or year. Although the university takes no position on whether the submitted information is excepted from disclosure, you state that release of this information may implicate the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, that you notified Enterprise Recovery Systems, Inc.; Credit Bureau Services Association; ConServe Accounts Receivable Management ("ConServe"); Credit Adjustments, Inc.; Premier Recovery, Inc.; I.C. System, Inc.; National Credit Management; MS Services, L.L.C.; National Enterprise Systems, Inc.; Southwest Credit Systems, L.P.; Gila Corporation; McCreary, Veselka, Bragg & Allen; Coast Professional, Inc.; Creditors Interchange Receivable Management, L.L.C.; S&S Recovery, Inc.; Collections Unlimited; and Windham Professionals, Inc. of the request and of their right to submit arguments to this office as to why their 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 received comments from ConServe. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note ConServe seeks to withhold information that the university did not submit for our review. Because such information was not submitted by the governmental body, this ruling does not address that information and is limited to the information submitted as responsive by the university. *See Gov't Code* § 552.301(e)(1)(D) (governmental body requesting decision from Attorney General must submit copy of specific information requested).

Next, we note that 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 requested information relating to it should be withheld from disclosure. *See id.* § 552.305(d)(2)(B). As of the date of this letter, we have only received arguments from ConServe. We, thus, have no basis for concluding that any portion of the submitted information constitutes the remaining third-parties' proprietary 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. Accordingly, the university may not withhold any of the submitted information based on the proprietary interests of the non-briefing third parties. As no exceptions to disclosure have been 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, 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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/em

Ref: ID# 431109

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

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