



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 22, 2011

Ms. Andrea Sheehan  
Law Offices of Robert E. Luna  
4411 North Central Expressway  
Dallas, Texas 75205

OR2011-18919

Dear Ms. Sheehan:

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# 439800.

The Carrollton-Farmers Branch Independent School District (the "district"), which you represent, received a request for all current contracts between the district and Allied Waste Services ("Allied"). You state some of the requested information has been or will be made available to the requestor. Although you take no position on the public availability of the submitted information, you indicate the information may implicate the interests of Allied.

Accordingly, you submit documentation showing you notified Allied of the request for information and of its 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.

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* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from Allied. We, thus, have no basis for concluding that any portion of the information at issue constitutes proprietary information of Allied. *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 district may not withhold any of the information at issue based on the proprietary interests of Allied. As no exceptions to disclosure have been claimed for this information, the district 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](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,



Karen Hattaway  
Assistant Attorney General  
Open Records Division

KEH/sdk

Ref: ID# 439800

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Phillip E. Miesner  
General Manager  
Allied Waste Services  
4200 East 14<sup>th</sup> Street  
Plano, Texas 75074  
(w/o enclosures)