



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 23, 2012

Mr. Eric Bentley
Assistant General Counsel
University of Houston System
311 E. Cullen Building
Houston, Texas 77204-2028

OR2012-01029

Dear Mr. Bentley:

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# 443009.

The University of Houston (the "university") received a request for the bid tabulation sheet for Website Redesign Project No. 784-11-0000010545.¹ Although you take no position with respect to the submitted information, you state release of this information may implicate the proprietary interests of third parties. You state you have notified the third parties of this request and of their right to submit arguments to this office stating why their information should not be released.² *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 a governmental body's notice under section 552.305(d) of the Government Code to submit

¹We note the university sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request).

²The third parties notified pursuant to section 552.305 are: AllenSoft LL; Americaneagle.com; Applied Research Associates, Inc.; Covenant Industries, Inc.; Custom Websites to Go; Edge Creative Strategies, LLC; Elemental Methods, LLC; Frameweld, LLC; Keystone Resources; Multi-World Technologies, LLC; One Business Systems; Penwick Realtime Systems, Inc.; and Schematics.

its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the third parties have submitted comments to this office explaining why any portion of the submitted information should not be released to the requestor. Thus, we have no basis for concluding any portion of the submitted information constitutes the proprietary information of any of the third parties. *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 any of the third parties. As no arguments have been made against the disclosure of the submitted information, the university must release it 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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 443009

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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College Station, Texas 77845
(w/o enclosures)

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(w/o enclosures)

Ms. Julie Hall
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5605 North MacArthur Boulevard
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Mr. George Thomas
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