



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 9, 2012

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

OR2012-02037

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# 445018.

The University of Houston (the "university") received a request for four categories of information related to two requests for proposals for federal debt and accounts receivable collection services. You state the university does not possess information responsive to a portion of the request.<sup>1</sup> Although you take no position as to whether the remaining requested information is excepted under the Act, you state its release may implicate the proprietary interests of Todd, Bremer & Lawson, Inc. ("TBL"). Accordingly, the university notified TBL of the request for information and of the company's right to submit arguments to this office as to why the submitted information should not be released. *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 received comments submitted by TBL. We have considered the submitted arguments and reviewed the submitted information.

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<sup>1</sup>We note the Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex.Civ.App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

We note TBL seeks to withhold information the university has not submitted 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). Because our determination is dispositive, we need not address TDL's arguments against disclosure. As no arguments against disclosure of the submitted information have been raised, it 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](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# 445018

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Bess D. Lochocki  
Director of Compliance  
Todd, Bremer & Lawson, Inc.  
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