



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 15, 2012

Ms. Ashley D. Fourt  
Assistant District Attorney  
Tarrant County  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR2012-03848

Dear Ms. Fourt:

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# 447948.

The Tarrant County Purchasing Department (the "department") received a request for specified pages in the bids submitted in response to bid #2012-010 for paper and plastic products. Although you take no position with respect to the public availability of the requested information, you state the proprietary interests of certain third parties might be implicated. Accordingly, you notified JanPak, Master Cleaning Supply, Inc. ("Master"), Matera Paper Company ("Matera"), and Pollock Paper Distributors ("Pollock") of the request and of their right to submit arguments to this office explaining why their information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

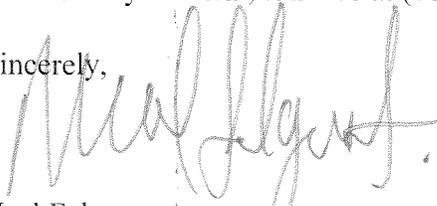
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from JanPak, Master, Matera, or Pollock. Thus, none of these third parties has demonstrated it has 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. Accordingly, the department may not withhold the submitted information on the basis of any proprietary interests JanPak, Master, Matera, or Pollock may have in the information. As you raise no exceptions to disclosure, the submitted information must be released in its entirety.

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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/ag

Ref: ID# 447948

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Huy Dang  
Master Cleaning Supply  
2254 Royal Lane, #200  
Dallas, Texas 75229  
(w/o enclosures)

Mr. Mike Watson  
Janpak  
3101 High River Road, Suite 101  
Fort Worth, Texas 76155  
(w/o enclosures)

Ms. Lorri Karkkainen  
Matera Paper Company  
935 Avenue R  
Grand Prairie, Texas 75050  
(w/o enclosures)

Mr. Brian Jones  
Pollock Paper Distributors  
1 Pollock Place  
Grand Prairie, Texas 75050  
(w/o enclosures)