



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 16, 2012

Ms. Paige Mims
Deputy City Attorney
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR2012-03912

Dear Ms. Mims:

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# 447931.

The City of Plano (the "city") received a request for two categories of information pertaining to "CSP No. 2011-108-C CSP Collection Services & Verification of Financial Responsibility Services." You state a "majority of the requested information can be released to the requestor." Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Municipal Services Bureau ("MSB"). Accordingly, you state, and provide documentation showing, you notified MSB 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); *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 from MSB. We have considered the submitted arguments and reviewed the submitted information.

MSB states, and provides documentation showing, that it has exchanged correspondence with the requestor concerning the request. MSB further states that the submitted information consists of its financial information and that the requestor has agreed to exclude such information from her request. However, the city has not informed this office that the requestor has contacted the city about narrowing the scope of, or withdrawing, her request, and therefore, we are unable to determine that the submitted information is no longer responsive to the request. Therefore, as MSB has not raised any exceptions to disclosure under the Act or provided any arguments against disclosure, we are unable to conclude that MSB has a protected proprietary interest in the submitted information. *See* Gov't Code

§ 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 city may not withhold any portion of the submitted information based upon the proprietary interests of MSB. As you raise no exceptions to disclosure, we find the submitted information must be released 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,



Sean Opperman
Assistant Attorney General
Open Records Division

SO/dls

Ref: ID# 447931

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. A. Lee Rigby
General Counsel
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(w/o enclosures)