



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 4, 2012

Mr. Frank Waite  
Assistant District Attorney  
Civil Division  
Dallas County  
411 Elm Street, 5<sup>th</sup> Floor  
Dallas, Texas 75202

OR2012-06588

Dear Mr. Waite:

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# 452570.

Dallas County (the "county") received a request for CyberDyne System's ("CyberDyne") Desktop Technical Support bid to the county, No. 2007-117-3023. You state that you have released some of the requested information. Although you take no position on the submitted information, you state that it may contain proprietary information subject to exception under the Act. Accordingly, you state the county notified CyberDyne 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 reviewed the submitted information.

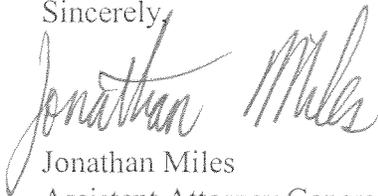
Initially, we note the submitted information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2008-04966 (2008). In that decision, we determined that the county must release the bid proposal of CyberDyne, but that any copyrighted information in that proposal may only be released in accordance with copyright law. You do not indicate the law, facts, or circumstances on which the prior ruling was based have changed. Thus, we conclude the county must continue to rely on Open Records Letter No. 2008-4966 as a previous determination and release the previously ruled upon information in accordance with that prior ruling. *See* Open Records Decision No. 673

(2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 452570

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Steve Brunk  
CyberDyne Systems  
c/o Mr. Frank Waite  
Assistant District Attorney  
Civil Division  
Dallas County  
411 Elm Street, 5<sup>th</sup> Floor  
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