



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 11, 2012

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

OR2012-08946

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# 456003.

The University of Houston (the "university") received a request for purchase orders and invoices for athletic apparel from July 1, 2011 through March 27, 2012. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of Nike USA, Inc., Victory Custom Athletic, Inc., Barcelona Sporting Goods, and Maverick Jackets. Accordingly, you state, and provide documentation showing, you notified the third parties of the request for information and of their 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 portions of the submitted information fall outside of the date range specified in the request. Such information, which we have marked, is not responsive to the present request for information. This decision does not address the public availability of non-responsive information and such information need not be released in response to the present request.

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 ruling, we have not received comments from any of the third parties. Thus, we have no basis to conclude any of the third parties have a protected proprietary interest in 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 university may not withhold any of the submitted information on the basis of any proprietary interest the third parties may have in the information. As no exceptions to disclosure have been raised, the requested information 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, 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,



Benjamin A. Bellomy
Assistant Attorney General
Open Records Division

BAB/dls

Ref: ID# 456003

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Nike USA, Inc.
Attn: Legal Department
One Bowerman Drive
Beaverton, Oregon 97005
(w/o enclosures)

Victory Custom Athletics, Inc.
20725 Prairie Street
Chatsworth, California 91311
(w/o enclosures)

Mr. Jason E. Stalnaker
Barcelona Sporting Goods
9999 W. Sam Houston Parkway N.
Houston, Texas 77064
(w/o enclosures)

Maverick Jackets
Attn: Karen
610 Coit Road, Suite 100
Plano, Texas 75075
(w/o enclosures)