



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 10, 2012

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

OR2012-10638

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# 458499.

The University of Houston (the "university") received a request for information pertaining to Request for Proposals Number 730-2012.01, including the evaluation of proposals and rating criteria, for the requestor's company and the winning bidder. You state you have released some of the requested information to the requestor. Although you claim no exceptions to disclosure of the submitted information, you indicate its release may implicate the proprietary interests of Bass Computers, Inc. ("Bass"). Accordingly, you notified Bass of the request and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the circumstances). We have considered the submitted arguments and reviewed the submitted information.

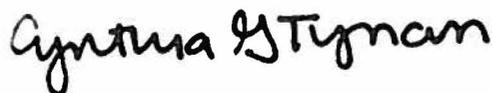
Bass raises section 552.110(b) for a portion of its information at issue. Section 552.110(b) protects "[c]ommercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]" Gov't Code § 552.110(b). This exception to disclosure requires a specific factual or evidentiary showing, not conclusory or generalized allegations, that substantial competitive injury would likely result from release

of the information at issue. *Id.*; see also Open Records Decision No. 661 at 5-6 (1999) (business enterprise must show by specific factual evidence that release of information would cause it substantial competitive harm). Upon review, we find Bass has established the client information we have marked constitutes commercial or financial information, the release of which would cause Bass substantial competitive harm. Therefore, the university must withhold the information we have marked under section 552.110(b) of the Government Code. However, we find Bass has not made the specific factual or evidentiary showing required by section 552.110(b) that release of any of the remaining information at issue would cause the company substantial competitive harm. Accordingly, the university may not withhold any of the remaining submitted information at issue under section 552.110(b) of the Government Code. As no other exceptions to disclosure are raised, the university must release the remaining information.

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,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/ag

Ref: ID# 458499

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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