



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 16, 2012

Ms. Allyson Collins
General Counsel
Eanes Independent School District
601 Camp Craft Road
Austin, Texas 78746

OR2012-10916

Dear Ms. Collins:

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# 458835 (Request No. 3274).

The Eanes Independent School District (the "district") received a request for the "last bid on solid waste [and] recycling." 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 third parties. You state you have notified Central Texas Refuse, Inc. ("CTR"), IESI Corp. ("IESI"), Texas Disposal Systems, Inc. ("TDS"), and Waste Management of Texas ("Waste Management") of this request and of the companies' rights to submit arguments to this office stating why their 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).* You state TDS and Waste Management have provided written consent to release their respective information. We have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of a governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. *See Gov't Code § 552.305(d)(2)(B).* As of the date of this letter, CTR and IESI have not submitted comments to this office explaining why any portion of the submitted information should not be released to the requestor. Thus, we have no basis to conclude the release of any portion of the submitted information would implicate CTR's and IESI's proprietary interests, and none of the information may be withheld on that basis. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating that business enterprise that claims exception for commercial or financial information under section 552.110(b) must

show by specific factual evidence 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). As no arguments against disclosure have been raised, the district must release the submitted 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, 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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 458835

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Central Texas Refuse, Inc.
P.O. Box 18685
Austin, Texas 78760
(w/o enclosures)

Ms. Jaraka Viereck
Waste Management, Inc.
800 Gessner, Suite 1100
Houston, Texas 77024
(w/o enclosures)

Ms. Cathy Gray
Texas Disposal Systems
P.O. Box 17126
Austin, Texas 78760
(w/o enclosures)

Mr. David Jacobson
IESI
15711 Cameron Road
Pflugerville, Texas 78660
(w/o enclosures)