



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 18, 2012

Ms. Rebecca Brewer  
Counsel for the City of Frisco  
Abernathy Roeder Boyd & Joplin P.C.  
P.O. Box 1210  
McKinney, Texas 75070-1210

OR2012-11099

Dear Ms. Brewer:

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# 460739 (PIR 2012-0328.)

The City of Frisco (the "city"), which you represent, received a request for architectural, engineering and other plans approved by the city for South Frisco Village. Although you take no position on its public availability, you believe the requested information may implicate third-party proprietary interests. You inform us the third parties whose interests may be implicated were notified of the request for information and of their right to submit arguments to this office as to why the requested information should not be released.<sup>1</sup> We have reviewed the information you submitted. We also have considered the comments we received from the requestor.<sup>2</sup>

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<sup>1</sup>See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

<sup>2</sup>See Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

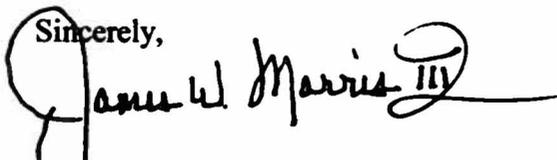
An interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the party should not be released. *See Gov't Code § 552.305(d)(2)(B)*. As of the date of this decision, this office has received no correspondence from either of the third parties you notified. Thus, because neither of the third parties has demonstrated any of the information at issue is proprietary for purposes of the Act, the city may not withhold any of the submitted information on the basis of any interest either of the third parties may have in the information. *See id. § 552.110(a)-(b)*; Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, as the city does not claim an exception to disclosure, the submitted information must be released.

We note some of the submitted information appears to be subject to copyright law. A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *See Open Records Decision No. 180 at 3 (1977)*; *see also Open Records Decision No. 109 (1975)*. A custodian of public records also must comply with copyright law, however, and is not required to furnish copies of records that are copyrighted. *See ORD 180 at 3*. A member of the public who wishes to make copies of copyrighted materials must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

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,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/bhf

Ref: ID# 460739

Enc: Submitted information

c: Requestor  
(w/o enclosure)

Strode Property Company  
5950 Berkshire Lane #1275  
Dallas, Texas 75225  
(w/o enclosure)

Richmond Group Architecture and Planning  
12200 Stemmons Freeway, Suite 317  
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