



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 20, 2012

Mr. Damon C. Derrick  
General Counsel  
Stephen F. Austin State University  
P.O. Box 13065, SFA Station  
Nacogdoches, Texas 75962-3065

OR2012-11307

Dear Mr. Derrick:

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# 460101.

Stephen F. Austin State University (the "university") received two requests for information, each for the other vendor's proposal in response to a specified request for proposals. Although the university takes no position regarding whether the submitted information is excepted from disclosure, you state release of the requested information may implicate the proprietary interests of Weldon, Williams & Lick, Inc. ("Weldon") and Rydin Decal ("Rydin"). Accordingly, you provide documentation showing you have notified Weldon and Rydin of the request and their right to submit arguments to this office. *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.

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 Rydin. Thus, we have no basis to conclude Rydin has a protected proprietary interest in any of 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 information at issue on the basis of any proprietary interest Rydin may have in the information. In addition, Weldon states it does not object to release of its information. Therefore, as no exceptions to disclosure are raised, each submitted proposal must be released to its respective requestor.

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,



Misty Haberer Barham  
Assistant Attorney General  
Open Records Division

MHB/som

Ref: ID# 460101

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Machel Black  
Customer Service Representative  
Weldon, Williams & Lick, Inc.  
711 North A Street  
Fort Smith, Arkansas 72901-2121  
(w/o enclosures)

Mr. Tom Knight  
Sales Manager  
Weldon, Williams & Lick, Inc.  
P.O. Box 168  
Fort Smith, Arkansas 72902-0168  
(w/o enclosures)

Ms. Sheila Eisenmaen  
Sales Manager  
Rydin Decal  
700 Phoenix Lake Avenue  
Streamwood, Illinois 60107  
(w/o enclosures)