



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

August 10, 2012

Ms. Katie E. Payne  
Counsel for the Comal Independent School District  
Walsh, Anderson, Gallegos, Green and Treviño  
P.O. Box 460606  
San Antonio, Texas 78246

OR2012-12623

Dear Ms. Payne:

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# 462844.

The Comal Independent School District (the "district"), which you represent, received a request for information pertaining to the chair involved in a specified incident, including records pertaining to (1) the manufacturer and distributor of the chair; (2) the assembly of the chair; (3) the delivery of the chair; (4) photographs, videotapes, or diagrams of the chair; and (5) investigations into the specified incident. Although the district expresses no opinion on the public availability of the submitted information, you state the proprietary interests of two third parties might be implicated. Accordingly, you state, and provide documentation demonstrating, you notified Gold Medal By TLT, Inc. and Compass Group North America of the request for information and their right to submit arguments to this office explaining why their 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 certain circumstances). We have reviewed the submitted information.

Initially, we note you have only submitted information pertaining to the manufacturer of the chair. Thus, to the extent any additional responsive information existed when the present

request was received, we assume it has been released. If such information has not been released, then it must be released at this time. See Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. See Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from either of the third parties whose information is at issue explaining why their information should not be released to the requestor. Thus, we have no basis to conclude that the release of any portion of the requested information would implicate any third party's interests. See *id.* § 552.110; 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, we conclude the district may not withhold the submitted information on the basis of any interest the third parties may have in the information. As no exceptions to 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](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,



Melanie J. Villars  
Assistant Attorney General  
Open Records Division

MJV/eb

**Ref: ID# 462844**

**Enc. Submitted documents**

**c: Requestor  
(w/o enclosures)**

**Public Information Officer  
Gold Medal by TLT, Inc.  
390 Sewell Drive  
Spartan, Tennessee 38583  
(w/o enclosures)**

**Ms. Audene Chung  
Vice President  
Compass Group North America  
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(w/o enclosures)**