



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

August 29, 2012

Ms. Barbara Smith Armstrong  
Assistant County Attorney  
Harris County Purchasing Agent  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002

OR2012-13635

Dear Ms. Armstrong:

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# 463643.

The Harris County Purchasing Agent (the "county") received a request for a specified Motorola Solutions, Inc. ("Motorola") contract. 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 Motorola. Accordingly, you state, and provide documentation showing, you notified Motorola of the request for information and of the company's right to submit arguments to this office as to why the submitted 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). We have received correspondence from Motorola. We have reviewed the submitted information.

We note that 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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received

comments from Motorola explaining why the submitted information should not be released.<sup>1</sup> Therefore, we have no basis to conclude that this third party has a protected proprietary interest in the submitted information. *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, the county may not withhold any portion of the submitted information based upon the proprietary interests of Motorola. The submitted information must, therefore, be released to the 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,



Sean Opperman  
Assistant Attorney General  
Open Records Division

SO/som

Ref: ID# 463643

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>Motorola raised no exceptions to disclosure of the submitted information in its letter dated June 12, 2012.

**Mr. John J. Santeler  
Motorola Solutions, Inc.  
1303 E. Algonquin Road  
Schaumburg, Illinois 60196  
(w/o enclosures)**