



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 10, 2012

Ms. Tamra J. English  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2012-16208

Dear Ms. English:

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# 468403 (OGC# 145307).

The University of Texas Health Science Center at Houston (the "university") received a request for records related to its withholding of information the requestor previously sought, including objections submitted by bidders and the related letter ruling issued by this office, OR2012-08347 (2012).<sup>1</sup> Although you take no position on the public availability of the submitted information, you believe it may implicate the interests of CBIC Construction and Development ("CBIC"). You inform us CBIC was notified of this request for the submitted information and of its right to submit arguments to this office as to why the information should not be released.<sup>2</sup> We have reviewed the information you submitted. We assume the university has provided the requestor with a copy of the related ruling issued by the office. If not, then you must do so immediately. See Gov't Code §§ 552.221, .301, .302; Open Records Decision No. 664 (2000).

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

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<sup>1</sup>You state, and have provided documentation confirming, the university requested and received clarification of the request. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information); *City of Dallas v. Abbott*, 304 S.W.3d 380, 384 (Tex. 2010) (when governmental entity, acting in good faith, requests clarification or narrowing of unclear or over-broad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed).

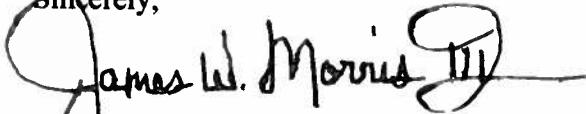
<sup>2</sup>See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

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 CBIC. Thus, because CBIC has not demonstrated any of the information at issue is proprietary for purposes of the Act, the university may not withhold any of the submitted information on the basis of any interest CBIC 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 university does not claim an exception to disclosure, the submitted information must be released.

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# 468403

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

Mr. J. Goodwille Pierre  
Ms. Esther Francis  
CBIC Construction & Development  
1113 Howard Avenue  
Deer Park, Texas 77536  
(w/o enclosures)