



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 29, 2012

Ms. Angie A. Welborn  
Senior Legal Counsel  
State Auditor's Office  
P.O. Box 12067  
Austin, Texas 78711-2067

OR2012-19201

Dear Ms. Welborn:

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# 472517.

The State Auditor's Office (the "auditor's office") received a request for a specified contract and subsequent contract amendments.<sup>1</sup> Although you take no position as to whether the submitted information is excepted under the Act, you state its release may implicate the proprietary interests of Wolters Kluwer. Accordingly, you state, and provide documentation showing, you have notified Wolters Kluwer of the request and its 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 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, we have not received comments from

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<sup>1</sup>You state the auditor's office sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Wolters Kluwer explaining why the submitted information should not be released. Therefore, we have no basis to conclude Wolters Kluwer 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 auditor's office may not withhold the submitted information on the basis of any proprietary interest Wolters Kluwer may have in the information. As no exceptions to disclosure are raised, the auditor's office 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,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/akg

Ref: ID# 472517

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Sampreeti De  
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Riverwoods, Illinois 60015  
(w/o enclosures)