



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 22, 2013

Mr. Timothy C. Shaw  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR2013-01177

Dear Mr. Shaw:

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# 476788 (UT OGC No.146965).

The University of Texas System (the "system") received a request for a copy of the winning bid, including pricing, for RFP No. UCI32011 for outplacement services issued on March 4, 2012 by the system. Although you take no position on the requested information, you state it may contain proprietary information subject to exception under the Act. Accordingly, you state and provide documentation showing the system notified NextJob, Inc. ("NextJob") and TALX Reemployment Services ("TALX") of the request for information and of their right to submit arguments to this office as to why the requested 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 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 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 third party explaining why the submitted information should not be released to the requestor. Therefore, we have no basis to conclude any of the third parties have a protected 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 system may not withhold any of the submitted information based upon the interests of the third parties. As no exceptions to disclosure have been raised, the system 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,



Britni Fabian  
Assistant Attorney General  
Open Records Division

BF/dls

Ref: ID# 476788

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. John Courtney  
NextJob, Inc.  
c/o Mr. Timothy C. Shaw  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701  
(w/o enclosures)

Mr. John Courtney  
TALX Reemployment Services  
c/o Mr. Timothy C. Shaw  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701  
(w/o enclosures)