



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 22, 2013

Mr. Mark A. Booker
Director of Purchasing
Garland Independent School District
P.O. Box 469026
Garland, Texas 75046-9026

OR2013-06562

Dear Mr. Booker:

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# 485051.

The Garland Independent School District (the "district") received a request for all bids, scoring evaluations, and cost summaries for a specified RFP. You state you are releasing some of the requested information to the requestor. Although you take no position with respect to the public availability of the submitted information, you state the proprietary interests of Knowledge Delivery Systems, Inc. ("KDS") may be implicated. Accordingly, you notified KDS of the request and of its right to submit arguments to this office explaining why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception 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 to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from KDS on why the submitted information should not be released. Thus, KDS has failed to demonstrate it has a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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 district may not withhold the submitted information on the basis of any proprietary interest KDS may have in the information. As no exceptions to disclosure have been raised, 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, 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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

Ref: ID# 485051

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Alvin H. Crawford, Jr.
Chief Executive Officer
Knowledge Delivery Systems, Inc.
110 William Street
New York, New York 10038
(w/o enclosures)