



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 12, 2014

Ms. Traci Riggs  
Deputy City Secretary  
City of Southlake  
1400 Main Street, Suite 270  
Southlake, Texas 76092

OR2014-07947

Dear Ms. Riggs:

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# 522330.

The City of Southlake (the "city") received a request for permits, inspections, tests, and drawings for construction at a specified location. You state the city has released some information responsive to the request. You state some of the submitted information is subject to copyright. Although the city takes no position with respect to the remaining information, you state its release may implicate the interests of third parties. Accordingly, you state the city notified Ranger Fire, Inc., G.E. Interlogix Security, Air Products and Controls, Inc., and System Sensor of the request for information and of their rights to submit arguments stating why their 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); 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 representative sample of information.<sup>1</sup>

We note 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.

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

*See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from the third parties explaining why their information should not be released. Therefore, we have no basis to conclude any of the third parties 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 city may not withhold any of the information at issue on the basis of any proprietary interest the third parties may have in it.

You claim some of the submitted information is protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. As no exceptions to disclosure have been raised, the city must release the submitted information, but any information subject to copyright may only be released in accordance with copyright law.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Tamara R. Strain  
Assistant Attorney General  
Open Records Division

TRS/dls

Ref: ID# 522330

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Matt Claxton  
Ranger Fire, Inc.  
920 South Main Street, Suite 200  
Grapevine, Texas 76051  
(w/o enclosures)

G.E. Interlogix Security  
2266 Second Street North  
North St. Paul, Minnesota 55109  
(w/o enclosures)

Air Products and Controls, Inc.  
1749 East Highwood  
Pontiac, Michigan 48340  
(w/o enclosures)

System Sensor  
3825 Ohio Avenue  
St. Charles, Illinois 60174  
(w/o enclosures)