



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 17, 2014

Mr. Jeffrey Giles
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2014-10455

Dear Mr. Giles:

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# 526072 (GC Nos. 21286 and 21317).

The City of Houston (the "city") received two requests from different requestors for information pertaining to a specified request for proposals. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of C.A. Short Company; Quintevents, L.L.C.; OC Tanner Company; Radia Enterprises, Inc.; The Tharpe Company, Inc.; and TMJ Enterprises. Accordingly, you state, and provide documentation showing, you notified these third parties of the requests for information and of their right to submit arguments to this office as to why the submitted 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 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 any

interested third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of these 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 the submitted information on the basis of any proprietary interest these third parties 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.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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/bhf

Ref: ID# 526072

Enc. Submitted documents

c: Requestors
(w/o enclosures)

Radia Enterprises
3800 Juniper Street
Houston, Texas 77087
(w/o enclosures)

Quintevents
9300 Harris Corners Parkway, Suite 120
Charlotte, North Carolina 28269
(w/o enclosures)

C.A. Short Company
4205 East Dixon Boulevard
Shelby, North Carolina 28152
(w/o enclosures)

OC Tanner Company
9450 Grogans Mill Road
The Woodlands, Texas 77381
(w/o enclosures)

Una Mae Dennison
TMJ Enterprises
8919 Wateka Drive
Houston, Texas 77074
(w/o enclosures)

The Tharpe Company
The Tharperobbins Company
149 Crawford Road
Statesville, North Carolina 28625
(w/o enclosures)