



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 22, 2014

Ms. Ashley Wilson  
General Counsel  
Dallas County Schools  
612 North Zang Boulevard  
Dallas, Texas 75208

OR2014-12629

Dear Ms. Wilson:

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# 529935 (Ref. No. W000358-042814).

Dallas County Schools ("DCS") received a request for the winning proposal and score sheets for RFP 03-20-14-01. You inform us DCS has released some of the requested information. Although you take no position as to whether the submitted information is excepted under the Act, you inform us the release of this information may implicate the proprietary interests of Syanaco, Inc., d/b/a Americaneagle.com ("Americaneagle"). Accordingly, you notified Americaneagle of the request for information and of its 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 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 Americaneagle explaining why its information should not be released. Therefore, we have no basis to conclude Americaneagle 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, DCS may not withhold any of the submitted information on the basis of any proprietary interest Americaneagle may have in it. As no exception to disclosure has been raised, DCS 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.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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 529935

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Amanda Carmody  
Americaneagle.com  
5605 North MacArthur Boulevard, 10th Floor  
Irving, Texas 75038  
(w/o enclosures)