



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 28, 2014

Mr. W. Montgomery Meitler  
Senior Counsel  
Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR2014-13007

Dear Mr. Meitler:

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# 530656 (TEA PIR# 22061).

The Texas Education Agency (the "agency") received a request for five categories of information pertaining to Reasoning Mind, Inc. ("Reasoning Mind"), including Reasoning Mind's response to a specified request for proposals issued by the agency. You state you have released most of the information to the requestor. Although you take no position on the public availability of the submitted information, you state the proprietary interests of Reasoning Mind might be implicated by the request. Accordingly, you notified Reasoning Mind of the request and of its opportunity to submit comments to this office as to why the submitted information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have reviewed the submitted information.

As of the date of this letter, we have not received comments from Reasoning Mind explaining why the submitted information should not be released. 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). Therefore, we have no basis to conclude Reasoning Mind 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, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. Accordingly, the agency may not withhold the submitted information on the basis of any proprietary interest Reasoning Mind may have in the information. As no exceptions to disclosure have been raised, the information at issue must be released in its entirety.

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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 530656

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Alex Khachatryan  
President & CEO  
Reasoning Mind, Inc.  
410 Pierce Street, Suite 241  
Houston, Texas 77002  
(w/o enclosures)