



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 3, 2014

Ms. Sara Hoglund, CPPB
Contracts Manager
Collin County
2300 Bloomdale Road, Suite 3160
McKinney, Texas 75071

OR2014-17662

Dear Ms. Hoglund:

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# 538398.

The Collin County Sheriff's Office (the "sheriff's office") received a request for information pertaining to request for proposal number 01349-09, including (1) the current contracts for the provision of food services to inmates, visitors, and officers, and the current contracts for commissary services at any adult and juvenile detention facilities in the county; and (2) the last request for proposal and similar request for bids or proposals, including responses and bids, regarding the provision of food services to inmates, visitors, and officers and commissary services at any adult and juvenile jail and detention facilities in the county.

Although you take no position on whether the submitted information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Swanson Services Corporation ("Swanson"). *See* Gov't Code § 552.305(d); *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 to disclosure under Act in certain circumstances). We have reviewed the submitted information.

We note an interested 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

decision, we have not received correspondence from Swanson. Thus, Swanson has not demonstrated 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 sheriff's office may not withhold the submitted information on the basis of any proprietary interests Swanson may have in the information.

We note some of the submitted information may be 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 submitted information must be released, but any information protected by 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, 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,



Lauren Dahlstein
Assistant Attorney General
Open Records Division

LMD/eb

Ref: ID# 538398

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Kelly A. Swanson
Swanson Services Corporation
1133 Pennsylvania Street
Denver, Colorado 80203
(w/o enclosures)