



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 17, 2016

Ms. Ashley D. Fourn
Assistant Criminal District Attorney
County of Tarrant
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2016-06181

Dear Ms. Fourn:

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# 602060.

The Tarrant County Purchasing Department (the "department") received a request for the chemicals, application rates, and price per acre related to the 2015 aerial contract award for mosquito management. You state you have released some information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Clark Environmental Mosquito Management ("Clark"). Accordingly, you state, and provide documentation showing, you notified Clark 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 the Act in certain circumstances). We have reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the instant request for information. The requestor only seeks chemical, application rate, and price per acre information pertaining to the contract at issue. The rest of the information submitted is not responsive to the request. The ruling does not address the public availability of the non-responsive information and that information need not be released.

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. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from

Clark explaining why its information should not be released. Therefore, we have no basis to conclude Clark has a protected proprietary interest in the responsive 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 department may not withhold any of the responsive information at issue on the basis of any proprietary interest Clark may have in it. As no exceptions to disclosure have been raised, the responsive 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 602060

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Clark E. Wood
Clark Environmental Mosquito Management, Inc.
110 East Irving Park Road, 4th Floor
Roselle, Illinois 60172
(w/o enclosures)