



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 18, 2016

Ms. Lisa Ott Laky  
General Counsel  
Austin Travis County Integral Care  
P.O. Box 3548  
Austin, Texas 78764

OR2016-06310

Dear Ms. Laky:

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# 602456.

The Austin-Travis County Mental Health and Mental Retardation Center d/b/a Austin Travis County Integral Care (the "center") received two requests from different requestors for the winning proposal for a specified request for proposals ("RFP"). The first requestor also requested the bid tabulations for the specified RFP. You state you have released some information to the requestors. You claim the submitted information is excepted from disclosure under section 552.110 of the Government Code. You also state the release of the submitted information may implicate the proprietary interests of Advocates for Human Potential, Inc. ("Advocates"). Accordingly, you state, and provide documentation showing, you notified Advocates of the request and its right to submit arguments to this office. *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 considered the exception you claim and reviewed the submitted information.

Section 552.110 of the Government Code protects (1) trade secrets, and (2) commercial or financial information the disclosure of which would cause substantial competitive harm to the person from whom the information was obtained. *See* Gov't Code § 552.110(a)-(b). Although the center argues the submitted information is excepted under section 552.110, that

exception is designed to protect the interests of third parties, not the interests of a governmental body. Thus, we do not address the center's argument under section 552.110. We note an interested third 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 id.* § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from Advocates. Thus, we have no basis to conclude Advocates has a protected proprietary interest in 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 center may not withhold any of the submitted information on the basis of any proprietary interest Advocates may have in the information. The center 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,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal line extending to the right.

Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/bw

Ref: ID# 602456

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Douglass Roberts  
Advocates for Human Potential, Inc.  
490-B Boston Post Road  
Sudbury, Massachusetts 01776  
(w/o enclosures)