



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 20, 1998

Ms. Belinda R. Perkins  
Assistant General Counsel  
Teacher Retirement System of Texas  
1000 Red River Street  
Austin, Texas 78701-2698

OR98-1703

Dear Ms. Perkins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116677.

The Teacher Retirement System of Texas (the "TRS") received a request for all the bids submitted for a certain request for offers. You claim that the requested information is excepted from disclosure under sections 552.104<sup>1</sup> and 552.110 of the Government Code. We have considered the exception you claim and reviewed the submitted information. You assert that a third party's privacy or property interest may be implicated by this request, and, therefore, you raise section 552.305 of the Government Code. We have considered the exceptions you claim and have reviewed the sample documents you submitted.

Pursuant to section 552.305 of the Government Code, this office notified IKON Business Imaging and Racom Information Technologies of the request. *See* Gov't Code §552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Government Code section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances). The companies did not respond to this office's request for response.

Section 552.110 protects the property and privacy interests of third parties by excepting from required public disclosure two types of information: (1) trade secrets, and

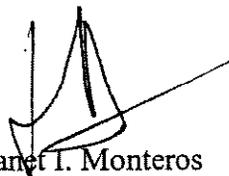
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<sup>1</sup>TRS in May 27, 1998 correspondence to this office indicates it is withdrawing its assertion of section 552.104.. TRS has executed a contract with one of the bidders.

(2) commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision. In this instance neither the department nor the companies have demonstrated that the requested information constitutes information protected by section 552.110. Open Records Decision Nos. 639 (1996) at 4 (to prevent disclosure of commercial or financial information, party must show by specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure), 552 (1990) at 5 (party must establish a prima facie case that information is trade secret). Therefore, TRS may not withhold the information under section 552.110. The information therefore must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet I. Monteros". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/ch

Ref.: ID# 116677

Enclosures: Submitted documents

cc: Mr. Brett W. Neely  
President  
High Tech Document Services, Inc.  
1213 West Loop North, Suite 190  
Houston, Texas 77055  
(w/o enclosures)