



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 25, 2006

Ms. Cynthia J. Kreider
Attorney
Department of Information Resources
P.O. Box 13564
Austin, Texas 78711-3564

OR2006-00853

Dear Ms. Kreider:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Public Information Act (the "Act"). Your request was assigned ID# 241270.

The Texas Department of Information Resources (the "department") received a request for copies of all cost and technical proposals submitted by four companies in response to RFO: DIR-STOD ASSISTANCE. While you raise no exceptions on behalf of the department regarding the requested information, you state that it may contain proprietary information excepted from disclosure under the Act. Accordingly, you state that you notified the following interested third-parties of the department's receipt of the request for information and of each company's right to submit arguments to this office as to why the information at issue should not be released: Gartner Group ("Gartner"); Pillsbury Winthrop Shaw Pittman ("Pillsbury"); EquaTerra Public Sector ("EquaTerra"), and Deloitte Consulting ("Deloitte"). *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 applicability of exception to disclosure in certain circumstances).

We have previously addressed all of the information at issue in Open Records Letter Nos. 2005-10830 (2005) and 2006-00102 (2006). You do not inform us, nor are we aware, of any changes with regard to the law, facts, and circumstances on which Open Records Letter Nos. 2005-10830 and 2006-00102 were based. Accordingly, we conclude that the

department must release or withhold the information at issue in accordance with our decision in Open Records Letter Nos. 2005-10830 and 2006-00102. *See* Gov't Code § 552.301(f); *see also* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Amanda Crawford
Assistant Attorney General
Open Records Division

AEC/segh

Ref: ID# 241270

Enc. Submitted documents

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