



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 3, 2009

Ms. Kelli H. Karczewski  
Feldman, Rogers, Morris & Grover, LLP  
222 North Mound, Suite 2  
Nacogdoches, Texas 75961

OR2009-01394

Dear Ms. Karczewski:

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# 333934.

The Longview Independent School District (the "district"), which you represent, received a request for audio and video recordings of a specified district board meeting, as well as a specified proposal submitted to the district's board of trustees. You state you have released most of the responsive information to the requestor. Although you raise no exception to disclosure of the requested proposal on behalf of the district, you state that a portion of this proposal may be subject to a third party's proprietary interests. Thus, pursuant to section 552.305 of the Government Code, you have notified Linebarger, Goggan, Blair, & Sampson, L.L.P. ("Linebarger") of the request and of its right to submit arguments to this office as to why its information should not be released. *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 under in certain circumstances). We have reviewed the submitted information.

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 requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any arguments from Linebarger. We thus have no basis for concluding that any portion of the submitted

information constitutes proprietary information of Linebarger, and the district may not withhold any portion of the submitted information on that basis. *See* 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 (1990). As you raise no exceptions to disclosure, the district must release the submitted information to the requestor.

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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Reg Hargrove  
Assistant Attorney General  
Open Records Division

RJH/eeg

Ref: ID# 333934

Enc. Submitted documents

c: Requestor  
(w/o enclosures)