



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 10, 2009

Ms. Susan Camp-Lee
Sheets & Crossfield, P.C.
Attorneys for City of Round Rock
309 East Main Street
Round Rock, Texas 78664-5246

OR2009-07987

Dear Ms. Camp-Lee:

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# 345609.

The City of Round Rock (the "city"), which you represent, received a request for the contract between the city and NEOGOV for the city's applicant tracking system. Although you take no position with respect to the public availability of the submitted contract, you state release of the contract may implicate the proprietary interests of NEOGOV. Accordingly, you state, and have provided documentation showing, you notified NEOGOV of the request and of the company's right to submit arguments to this office as to why the submitted contract should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have considered comments from NEOGOV and reviewed the submitted information.

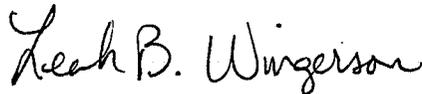
NEOGOVS states it objects to the release of certain unspecified information in the submitted contract. NEOGOVS, however, has not directed our attention to any law that excepts the information from disclosure, nor has it submitted any arguments explaining why any part of the contract should not be released. *See* Gov't Code § 552.305(d)(2)(B); *see, e.g., 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. Therefore, we have no basis to conclude any of the information is excepted from public disclosure. As no exceptions to disclosure have been claimed for the submitted contract, it 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.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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 345609

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Scott Letourneau
President
NEOGOV
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El Segundo, California 90245
(w/o enclosures)