



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 21, 2009

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2009-10082

Dear Mr. Bounds:

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# 349580.

The City of Corpus Christi (the "city") received for received four requests for information related to a specified request for proposal. One of the requestors also sought information related to the pay scale of city employees. You state that you will release information related to the pay scale of city employees. Although you raise no exception to disclosure of the submitted information on behalf of the city, you state that the city believes the information may involve the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the city has notified the interested third parties of the request and of their right to submit arguments to this office explaining why this information should not be released.<sup>1</sup> *See Gov't Code § 552.305* (permitting interested third party to submit to attorney general reasons why requested information should not be released); *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 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 information relating to that party should be withheld from public disclosure. *See Gov't Code*

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<sup>1</sup>The notified third parties are: Absolute Staffing Management, L.L.C.; Advance'd Temporaries, Inc.; Express Personnel Services; Kelly Services, Inc.; L.K. Jordan & Associates; SOS Staffing Services, Inc.; Sterling Personnel, Inc.; and, Unique Employment Services.

§ 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any third party explaining why its submitted bid proposal should not be released. Therefore, we have no basis to conclude any of the notified companies have protected proprietary interests in their submitted information. *See 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 (1990). Accordingly, the city may not withhold these companies' proposals on the basis of any proprietary interest they may have in them.

Next, we note that the submitted information contains insurance policy and account numbers.<sup>2</sup> Section 552.136(b) provides that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." The city must withhold the insurance policy numbers we have marked under section 552.136 of the Government Code. The remaining information 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](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,



Tamara Wilcox  
Assistant Attorney General  
Open Records Division

TW/eeg

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<sup>2</sup>The Office of the Attorney General will raise a mandatory exception, such as section 552.136, on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 349580

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Sharon Kollaja  
Sterling Personnel, Inc.  
3833 South Staples, Suite N103  
Corpus Christi, Texas 78411  
(w/o enclosures)

Ms. Sylvia Olivarez  
Absolute Staffing Management, L.L.C.  
4535 South Padre Island Drive, #19  
Corpus Christi, Texas 78411  
(w/o enclosures)

Ms. Lori Galan-Garcia  
Advance'd Temporaries, Inc.  
4639 Corona, Suite 1  
Corpus Christi, Texas 78471  
(w/o enclosures)

Mr. Gary Bradford  
Unique Employment Services  
4646 Corona, Suite 100  
Corpus Christi, Texas 78411  
(w/o enclosures)

Mr. Kenny Forman  
Kelly Services, Inc.  
5656 South Staples, Suite 220  
Corpus Christi, Texas 78411  
(w/o enclosures)

Mr. Henry A. Eidenmuller  
Express Personal Services  
2820 South Padre Island Drive, #114  
Corpus Christi, Texas 78415  
(w/o enclosures)

Ms. Linda K. Jordan  
L.K. Jordan & Associates  
321 Texas Trail, #100  
Corpus Christi, Texas 78411  
(w/o enclosures)

Ms. JoAnn W. Wagner  
SOS Staffing Services, Inc.  
2650 Decker Lake Boulevard, Suite 500  
Salt Lake City, Utah 84119  
(w/o enclosures)