



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 11, 2009

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

OR2009-11182

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# 351759.

The City of Corpus Christi (the "city") received a request for seven categories of information pertaining to a specified RFP. You state you have released some of the requested information. You claim that some of the submitted information is excepted from disclosure under section 552.110 of the Government Code. You also indicate that the release of the submitted information may implicate the proprietary interests of J-Quad Planning Group ("J-Quad"). Accordingly, you state, and provide documentation showing, you have notified J-Quad of the city's receipt of the request for information and of its right to submit arguments to this office as to why the information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered your argument and 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, J-Quad has not submitted to this office any reasons explaining why the information at issue should not be released. On behalf of J-Quad, you assert that the submitted information is excepted under section 552.110 of the Government Code. However, we note section 552.110 is designed to protect the interests of third parties, not the interests of a governmental body. Because we have yet to receive comments from J-Quad, we find J-Quad has not demonstrated that any of its submitted information is confidential or proprietary for purposes of the Act. *See id.* §§ 552.110; Open

Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Accordingly, the city may not withhold any portion of the submitted information on the basis of the proprietary interests of J-Quad. See Gov't Code § 552.110; Open Records Decision Nos. 661 at 5-6 (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 (party must establish *prima facie* case that information is trade secret), 542 at 3 (1990). As no further exceptions to disclosure are raised, the submitted 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,



Greg Henderson  
Assistant Attorney General  
Open Records Division

GH/rl

Ref: ID#351759

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

cc: James Gilleylen  
President  
J-Quad Planning Group  
14683 Midway Road, Suite 110  
Addison, Texas 75001  
(w/o enclosures)