



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 12, 2009

Ms. Anne M. Constantine
Legal Counsel
Dallas-Fort Worth International Airport Board
P.O. Box 619428
DFW Airport, Texas 75261-9428

OR2009-11255

Dear Ms. Constantine:

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# 352011.

The Dallas-Fort Worth International Airport Board (the "board") received a request for information relating to the current contract for Terminal D integrated facility maintenance services, including the board's solicitation and contractor responses. You state that some of the requested information either has been or will be released. You take no position on the public availability of the submitted information. You believe, however, that the submitted information may implicate the proprietary interests of FMC Airport Services ("FMC"). You state that the board notified FMC of this request for information and of its right to submit arguments to this office as to why the submitted information should not be released.¹ We have reviewed the submitted information.

You indicate that FMC has informed the board that FMC objects to disclosure of the submitted information. We note that an interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to that party

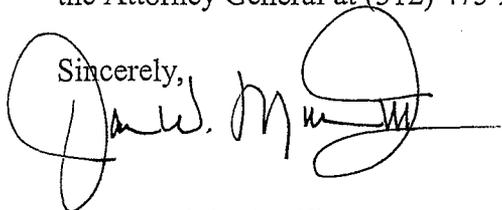
¹See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exemption to disclosure under certain circumstances).

should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from FMC. Thus, FMC has not demonstrated that any of the submitted information is either confidential or proprietary for the purposes of the Act. *See id.* §§ 552.101, .110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, the submitted information may not be withheld on either of those grounds and must be released 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, 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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 352011

Enc: Submitted documents

c: Requestor
(w/o enclosures)

Mr. Colin MacDonald
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(w/o enclosures)