



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 20, 2009

Mr. Eric D. Bentley
Assistant General Counsel
University of Houston System
311 Ezekiel Cullen Building
Houston, Texas 77204-2028

OR2009-11685

Dear Mr. Bentley:

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# 353146.

The University of Houston (the "university") received a request for information related to a specified invitation for bids. Although you raise no exception to disclosure of the requested information on behalf of the university, you state that the requested records may contain proprietary information. Accordingly, you inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the university notified the interested third parties of the request for information and of each company's right to submit arguments explaining why the requested information should not be released.¹ *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.

¹The companies notified pursuant to section 552.305 are the following: Creative Financial Solutions, d/b/a Southern Nights Mattress Co.; Dickson Furniture Industries; Noah's Manufacturing, Inc.; Texas Correctional Industries; and Texas Mattress Refurbish.

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, this office has not received comments from any of the interested third parties explaining why the submitted information should not be released. Thus, we have no basis for concluding that any portion of the submitted information pertaining to these companies constitutes the proprietary information of these companies, and none of it may be withheld on that basis. *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, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. As you raise no exceptions to disclosure, the submitted information 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 353146

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. James E. Dickson
Dickson Furniture Industries
7015 Grand Boulevard
Houston, Texas 77054
(w/o enclosures)

Mr. Youval Meicter
Noah's Manufacturing, Inc.
4619 Navigation Boulevard
Houston, Texas 77011
(w/o enclosures)

Mr. John Ahmadiania
Creative Financial Solutions
d/b/a Southern Nights Mattress Co.
130 Selig Drive Southwest
Atlanta, Georgia 30336
(w/o enclosures)

Mr. Jamie Brinegar
Texas Correctional Industries
P.O. Box 4013
Huntsville, Texas 77342-4013
(w/o enclosures)

Mr. Jeral Foreman
Texas Mattress Refurbish
8919 Saratoga Forest
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(w/o enclosures)