



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 7, 2009

Mr. Tom Tracy
Assistant General Counsel
University of Houston System
311 East Cullen Building
Houston, Texas 77204-2028

OR2009-17248

Dear Mr. Tracy:

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# 363370.

The University of Houston (the "university") received a request for the university's current beverage contract, beverage sponsorship agreement, current beverage vending contract, and snack vending contract. Although you take no position with respect to the public availability of the requested information, you state that release of this information may implicate the proprietary interest of third parties. You inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, the university has notified three interested third parties of the request and of their right to submit arguments to this office explaining why the submitted 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.

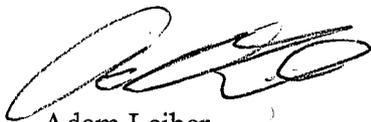
¹The notified third parties are: Lone Star Ice Cream, Inc.; The Coca-Cola Company; and Compass Group USA, Inc. d/b/a Canteen Vending Services.

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 § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the notified third parties explaining why their information should not be released. Therefore, we have no basis to conclude that any of these third parties have protected proprietary interests in any of the 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. As the university takes no position with respect to the submitted information, it 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, toll free, at (888) 672-6787.

Sincerely,



Adam Leiber
Assistant Attorney General
Open Records Division

ACL/rl

Ref: ID# 363370

Enc. Submitted documents

c: Requestor
(w/o enclosures)

cc: Lone Star Ice Cream, Inc.
11850 Hempstead Road, Suite 150
Houston, Texas 77092
(w/o enclosures)

Director- U.S. Educational Channel
The Coca Cola Company
One Coca- Cola Plaza
Atlanta, Georgia 30313
(w/o enclosures)

Mr. Marvin Holt
District Manager
Compass Group USA, Inc.
15951 Park Row
Houston, Texas 77084
(w/o enclosures)