



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 29, 2010

Mr. Brian S. Nelson  
General Counsel  
Lone Star College System  
5000 Research Forest Drive  
The Woodlands, Texas 77381-4356

OR2010-04363

Dear Mr. Nelson:

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# 374096 (LSCS File No. PR10-0104-00056).

The Lone Star College System (the "system") received a request for the proposals submitted by four specified companies in response to a specified request for proposals.<sup>1</sup> Although you take no position with respect to the submitted information, you indicate that it may contain proprietary information subject to exception under the Act. You state, and provide documentation showing, that you have notified Brookstone Management, LLC; Prime Contractors, Inc.; and Linbeck Group, LLC of the request and of their opportunity to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely

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<sup>1</sup>We have received correspondence from an attorney representing Duratech, one of the specified companies, that the requestor has withdrawn his request for Duratech's proposal. Accordingly, Duratech's proposal is not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request and the system is not required to release that information in response to the request.

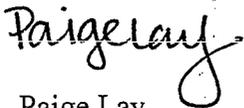
on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have reviewed the submitted information.

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 should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, the notified third parties have not submitted to this office any reasons explaining why their information should not be released. Thus, these companies have not demonstrated that any of their information is proprietary for purposes of the Act. *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. Accordingly, we conclude the system may not withhold any portion of the responsive information on the basis of any proprietary interest the third parties may have in the information. As no exceptions to disclosure have been raised, the responsive 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, toll free, at (888) 672-6787.

Sincerely,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/eeg

Ref: ID# 374096

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

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