



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 5, 2010

Ms. Neera Chatterjee
Public Information Coordinator
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2010-06461

Dear Ms. Chatterjee:

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# 378643.

The University of Texas at Arlington (the "university") received a request for copies of proposals submitted by Siemens Building Technologies, Inc. ("Siemens") and TD Industries ("TDI"), as well as scoring sheets from the university's selection committee pertaining to UTA RFQ #FM-1020-006. You inform us that TDI does not object to disclosure of its proposal and that TDI's proposal has been or will be released. You state the university does not object to release of the responsive information, but note Siemens's proposal is the subject of a previous open records letter ruling. You also state, and provide documentation showing, that pursuant to section 552.305 of the Government Code, Siemens was notified of this request for information and of its right to submit arguments to this office explaining why its 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

¹We note that, as of the date of this letter, we have received no comments from Siemens.

to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

We note the university has not submitted the requested scoring sheets to this office for review. Thus, to the extent that other information responsive to this request existed when the request was received, we assume it has been released. If the university has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to the requested information, it must release information as soon as possible).

You inform this office that Siemens's proposal was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2010-04850 (2010). In the previous ruling, we concluded that the university must release Siemens's proposal. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the university must continue to rely on that ruling as a previous determination and release Siemens's information in accordance with Open Records Letter No. 2010-04850. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 378643

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Jacob Richardson
Siemens Industry, Inc.
8600 North Royal Lane, Suite 100
Dallas, Texas 75063
(w/o enclosures)