



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 3, 2011

Mr. Eric D. Bently  
Assistant General Counsel  
Office of the General Counsel  
University of Houston System  
E. Cullen Building, Suite 311  
Houston, Texas 77204

OR2011-01751

Dear Mr. Bently:

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# 408140.

The University of Houston System (the "university") received a request for the bid tabulations for Request for Offer "730-ERP Camera System." Although you take no position as to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of Networking Cabling Services, Inc.; Graphere, Inc. d/b/a GreenMark Solutions; Dowley Security Systems; CelPlan Technologies, Inc.; ADT Security; Video Insight, Inc.; and Cultris Security Systems, Inc. Thus, pursuant to section 552.305 of the Government Code, you notified those third parties of the request and of the companies' rights to submit arguments to this office as to why their information should not be released. 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 on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances). We have reviewed the submitted information.

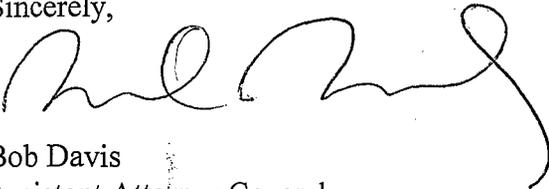
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the third parties explaining why any portion of the submitted information should not be released. Therefore, we have no basis to conclude any of these parties have a protected

proprietary interest in 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 (1990). Consequently, the university may not withhold any of the submitted information on the basis of any proprietary interest the third parties may have in the information. As you raise no exceptions to disclosure, the submitted information must be released in its entirety.

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,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/tf

Ref: ID# 408140

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Robert M. Apgar  
Networking Cabling Services, Inc.  
12626 Faqua Street  
Houston, Texas 77034  
(w/o enclosures)

Mr. Scott Jefferies  
Dowley Security Systems  
747 North Shepherd Drive, Suite 800  
Houston, Texas 77007  
(w/o enclosures)

Mr. Todd Sparks  
ADT Security  
2625 Louisiana Street  
Houston, Texas 77006  
(w/o enclosures)

Mr. Jason Smith  
Cultris Security Systems, Inc.  
1055 Dairy Ashford, Suite 105  
Houston, Texas 77079  
(w/o enclosures)

Mr. Jasper Bruinzeel  
CelPlan Technologies, Inc.  
c/o Eric Bentley  
Assistant General Counsel  
The University of Houston System  
311 East Cullen Building  
Houston, Texas 77204  
(w/o enclosures)

Mr. Robert Shaw  
Video Insight, Inc.  
3 Riverway, Suite 700  
Houston, Texas 77056  
(w/o enclosures)

Mr. S. Ali Hasain  
Graphere Inc DBA GreenMark Solutions  
800 West Sam Houston Parkway, Suite  
300  
Houston, Texas 77024  
(w/o enclosures)