



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 15, 2011

Ms. Maria Miller
Public Information Officer
Dallas County Community College District
1601 South Lamar, Suite 208
Dallas, Texas 75215-1816

OR2011-02321

Dear Ms. Miller:

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# 409186.

The Dallas County Community College District (the "district") received a request for information relating to the contract that resulted from a specified request for proposals. Although you take no position on the public availability of the requested information, you believe the information may implicate the proprietary interests of Presidium Learning, Inc. ("Presidium"). You state Presidium was notified of this request for information and of its right to submit arguments to this office as to why the requested information should not be released.¹ We have reviewed the information you submitted.

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 the party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from Presidium. Thus, because Presidium has not demonstrated any of the information at issue is proprietary for purposes of the Act, the district may not withhold any

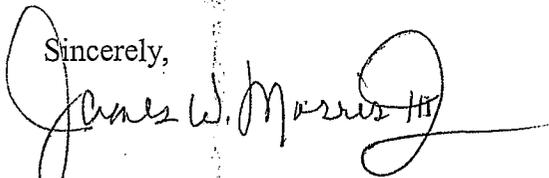
¹*See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

of the submitted information on the basis of any interest Presidium may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, as the district does not claim an exception to disclosure, the submitted 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, 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,

A handwritten signature in black ink that reads "James W. Morris, III". The signature is written in a cursive style with a large, looping initial "J".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 409186

Enc: Submitted documents

c: Requestor
(w/o enclosures)

Mr. James Rianhard
Presidium Learning, Inc.
12012 Sunset Hills Road 8th Floor
Reston, Virginia 20190
(w/o enclosures)