



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 22, 2012

Ms. Barbara Smith Armstrong
General Counsel
The Harris County Purchasing Agent
1001 Preston, Suite 670
Houston, Texas 77002

OR2012-02703

Dear Ms. Armstrong:

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# 446075.

The Harris County Purchasing Agent (the "county") received a request for winning proposals and related agreements for seven specified job numbers. Although you take no position with respect to the submitted information, you state release of the submitted information may implicate the interests of the Houston Council on Alcoholism and Drug Abuse (the "council"). You state you have notified the council of this request and of the council's right to submit arguments to this office stating why its information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). You have submitted comments you received from the council. We have considered the council's arguments and reviewed the submitted information.

Initially, we note you have only submitted information related to one specified job number. To the extent any additional responsive information existed and was maintained by the county on the date the county received the request, we assume you have released it. If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

The council generally objects to the release of the submitted information, but has not directed our attention to any law that excepts the information from disclosure, nor has it submitted any arguments explaining any of the information at issue is confidential or proprietary for purposes of the Act. *See* Gov't Code § 552.305(d)(2)(B); *see, e.g., id.* §§ 552.101, 110; Open Records Decision Nos. 661 at 5-6 (1999), 552 at 5 (1990), 542 at 3. Therefore, none of the information at issue may be withheld on the basis of any interest the council may have in the information.

We note some of the information at issue may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. As no further arguments against disclosure have been raised, the county must release the submitted information; however, any information subject to copyright may be released only in accordance with copyright law.

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# 446075

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Mel Taylor
President and CEO
The Council on Alcohol and Drugs Houston
P.O. Box 2768
Houston, Texas 77252
(w/o enclosures)