



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 8, 2013

Mr. Joe R. Tanguma  
Walsh, Anderson, Gallegos, Green and Treviño, P.C.  
10375 Richmond Avenue, Suite 750  
Houston, Texas 77042-4196

OR2013-05557

Dear Mr. Tanguma:

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# 485631 (District ORR# 1213-32).

The New Caney Independent School District (the "district"), which you represent, received a request for the bids submitted for RFP No. 92.12 (IP Security Cameras: Material, Cabling and/or Installation). You do not take a position as to whether the submitted information is excepted from disclosure under the Act. However, you state, and provide documentation showing, you notified the following third parties of the district's receipt of the request for information and of the right of each to submit arguments to this office as to why the requested information should not be released: 911 Security Cameras; Progressive Systems, LLC dba LENSEC, LLC; Telephonics Unlimited; INX LLC/Presidio Networked Solutions, Inc.; Micro Integration; and Video Insight, Inc. *See Gov't Code § 552.305(d); see also Open Records Decision No. 542 at 3 (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).* 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 requested information relating to it should be withheld from disclosure. *See Gov't Code § 552.305(d)(2)(B).* As of the date of this letter, none of the interested third parties has submitted to this office any reasons explaining why the requested information should not be released. We thus have no basis for concluding any portion of the submitted information constitutes proprietary information of these third parties, and the district may not withhold any portion of the submitted information on that basis. *See Open Records Decision Nos. 661*

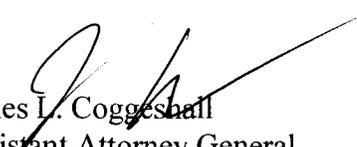
at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3.

We note some of the materials 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. Therefore, the district must release the submitted information, but may only release any copyrighted information 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](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tch

Ref: ID# 485631

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Robert Tabbara  
911 Security Cameras  
10878 Plano Road, #F  
Dallas, Texas 75238  
(w/o enclosures)

Mr. Trey Cox  
Progressive Systems, L.L.C. dba LENSEC, L.L.C.  
1800 Bering Drive, Suite 751  
Houston, Texas 77057  
(w/o enclosures)

Ms. Kelly Curd  
Telephonics Unlimited  
502 East Higgins Street  
Humble, Texas 77338  
(w/o enclosures)

Ms. Beth Ahlschlager  
INX L.L.C./Presidio Networked Solutions, Inc.  
11757 Katy Freeway, Suite 1150  
Houston, Texas 77079  
(w/o enclosures)

Mr. David Patterson  
Micro Integration  
2901 Wilcrest, Suite 155  
Houston, Texas 77042  
(w/o enclosures)

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