



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 21, 2013

Mr. Matthew Tepper
McCreary Veselka Bragg & Allen, P.C.
700 Jeffrey Way, Suite 100
Round Rock, Texas 78664-2425

OR2013-10555

Dear Mr. Tepper:

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# 491137.

The Brown County Appraisal District (the "district"), which you represent, received a request for the last contracts between the district and True Automation and Pictometry International Corporation ("Pictometry"). You state the district has released the contract between the district and True Automation and a redacted copy of the contract and amendment to the contract between the district and Pictometry. Although you inform us the district takes no position as to whether the remaining responsive information is excepted under the Act, you state release of this information may implicate the proprietary interests of Pictometry. Accordingly, you notified Pictometry of the request for information and of its right to submit arguments to this office as to why the information at issue 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 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) of the Government Code to submit its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). Although you state Pictometry objects to the release of the information you have highlighted, as of the date of this letter, Pictometry has not submitted comments to this office explaining how the release of the information at issue will affect its proprietary interests. Thus, we have no basis to conclude that the release

of any portion of this information would implicate Pictometry's proprietary interests. *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. Accordingly, the district may not withhold any portion of the information at issue on the basis of any proprietary interest Pictometry may have in this information. As no exceptions to disclosure of this information have been raised, it 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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/ag

Ref: ID# 491137

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Pictometry International Corp.
C/O Mr. Matthew Tepper
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700 Jeffrey Way, Suite 100
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