



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 25, 2013

Ms. Neera Chatterjee  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2013-12840

Dear Ms. Chatterjee:

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# 494543 (OGC# 149963).

The University of Texas Medical Branch at Galveston (the "university") received a request for the winning bid for RFP #12-012. Although the university takes no position as to whether the submitted information is excepted under the Act, the university informs us the release of this information may implicate the proprietary interests of Zanett Commercial Solutions, Inc. ("Zanett"). Accordingly, the university notified Zanett of the request for information and of Zanett's right to submit arguments to this office as to why the submitted 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 Act in certain circumstances). We have reviewed the submitted information.

We note that 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, Zanett has not submitted comments to this office explaining why the submitted information should not be released. Therefore, we have no basis to conclude Zanett has a protected proprietary interest in this 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. Accordingly, the university may not withhold any portion of the information at issue based upon the proprietary interests of Zanett. As no exceptions to disclosure have been raised for the submitted information, the university must release it.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/bhf

Ref: ID# 494543

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Robert Vinson Vickers  
Zanett Commercial Solutions Inc.  
635 Madison Avenue, 15<sup>th</sup> Floor  
New York, New York 10022  
(w/o enclosures)