



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 6, 2014

Ms. June B. Harden  
Assistant Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2014-02350

Dear Ms. Harden:

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# 514379 (PIR No. 13-37668).

The Office of the Attorney General (the "OAG") received a request for all vendor responses received by the OAG for the OAG's request for offer ("RFO") for the Statewide Automated Victim Notification System, RFO#302-14AT-SAVNS. The OAG has released some information to the requestor. The OAG takes no position as to the disclosure of the submitted information and has notified CGI Technologies and Solutions, Inc. and Information Strategies, Inc. (collectively, the "third parties") of the request and of their right to submit arguments to this office as to why its information should not be released. Gov't Code § 552.305(d) (permitting third party with proprietary interest to submit to attorney general reasons why requested information should not be released).

Initially, the OAG informs us some of the responsive information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2013-22227 (2013) and 2013-19987A (2013). In Open Records Letter No. 2013-22227, we ruled the information at issue must be released in accordance with copyright law. In Open Records Letter No. 2013-19987A, we ruled the OAG must release the information at issue. We have no indication that the law, facts, or circumstances on which the prior rulings were based have changed. Accordingly, to the extent the information responsive to this

request is identical to the information previously requested and ruled upon by this office in the prior rulings, the OAG must continue to rely on those rulings as previous determinations and release the previously ruled upon information in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, to the extent the submitted information is not encompassed by Open Records Letter Nos. 2013-22227 and 2013-19987A, we will address whether the information is subject to required public disclosure.

Next, we note 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, the interested third parties have not submitted arguments to this office explaining why their information should not be released. We thus have no basis to conclude release of the information will harm the either third party'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 (1990). Accordingly, the OAG may not withhold the information based on any proprietary interests either third party may have.

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 exceptions to disclosure have been raised, the submitted information must be released, but any information protected by copyright may only be released in accordance with copyright law.

In summary, to the extent the requested information is identical to the information previously requested and ruled upon by this office in Open Records Letter Nos. 2013-22227 and 2013-19987A, the OAG must continue to rely on those rulings as previous determinations and release the previously ruled upon information in accordance with those

rulings. To the extent the submitted information is not encompassed by those prior rulings, the submitted information must be released 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.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,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/ag

Ref: ID# 514379

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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