



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 18, 2014

Ms. Elizabeth Hanshaw Winn
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767-1748

OR2014-04575

Dear Ms. Winn:

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# 517209.

The Travis County Purchasing Office (the "county") received a request for a copy of the winning response for Request for Qualifications submitted by Jacobs Engineering Group, Inc. ("Jacobs") for a specified road improvement. You claim some of the submitted information is not subject to the Act. Although you take no position regarding whether the remaining information is excepted from disclosure, you state the release of the information at issue may implicate the proprietary interests of Jacobs. Accordingly, you notified Jacobs of the request and of its right to submit arguments to this office explaining why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have considered your argument and reviewed the submitted information.

Initially, we address your claim information responsive to the request is not subject to the Act. In Open Records Decision No. 581 (1990), this office determined certain computer information that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property, such as source codes, documentation information, and other computer programming, is not the kind of information made public under section 552.021 of the Government Code. You state some of the requested information contains login names and passwords to provide access to a bidding system maintained by the county. You argue that, "the information has no other purpose than as a

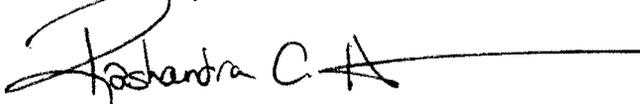
tool for the manipulation of information sent to the [county].” Upon review, we find the information at issue provides third parties the ability to respond to a Request for Qualifications. Thus, we find the submitted information is maintained by the county in connection with the transaction of official county business and has a significance other than as a tool for the maintenance, manipulation, or protection of public property. Accordingly, the information at issue is subject to the Act and may be withheld only if it falls within the scope of an exception to disclosure. *See* Gov’t Code §§ 552.301, .302.

An interested third party is allowed ten business days after the date of its receipt of the governmental body’s notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov’t Code § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from Jacobs. Thus, we have no basis to conclude Jacobs has a protected proprietary interest in the submitted information. *See id.* § 552.110(a)-(b); 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 county may not withhold any of the submitted information on the basis of any proprietary interest Jacobs may have in the information. As we have received no arguments against disclosure, the submitted information 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.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,

A handwritten signature in black ink, appearing to read "Rashandra C. Hayes", with a long horizontal line extending to the right.

Rashandra C. Hayes
Assistant Attorney General
Open Records Division

RCH/dls

Ref: ID# 517209

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Curtis Fisher
Vice President
Jacobs Engineering Group, Inc.
2705 Bee Cave Road, Suite 300
Austin, Texas 78746
(w/o enclosures)

