



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 3, 2014

Ms. Ashley D. Fourt  
Assistant District Attorney  
Tarrant County  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR2014-05533

Dear Ms. Fourt:

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# 518567.

The Tarrant County Purchasing Department (the "department") received a request for all vendor responses for a specified request for proposals and the decision or award for the request for proposals, including the name of the selected vendor and the date of the award. You state the department has released some information to the requestor. You state the department takes no position with respect to the public availability of the submitted information. However, you also state release of this information may implicate the proprietary interests of Allen Systems Group, Inc.; Flatirons Solutions; Gimmel, LLC; ImageSoft, Inc.; Phoenix Business, Inc. d/b/a Phoenix Business Consulting; Sirius Computer Solutions, Inc.; and Systemware Professional Services, Inc. Accordingly, you notified the affected third parties of the request for information and of their 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 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 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, we have not received arguments from any

of the third parties. Therefore, we have no basis to conclude any of the third parties has a protected proprietary interest in the submitted 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 department may not withhold any of the information at issue on the basis of any proprietary interest any of the third parties may have in it.

Section 552.136 of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.”<sup>1</sup> Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. Upon review, we find the department must withhold the information we have marked under section 552.136 of the Government Code.

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.

In summary, the department must withhold the information we have marked under section 552.136 of the Government Code. The department must release the remaining information; however, the department may release information protected by copyright only 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/>

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

[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,



Kristi L. Wilkins  
Assistant Attorney General  
Open Records Division

KLW/tch

Ref: ID# 518567

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Jim Bladich  
Allen Systems Group  
1333 Third Avenue South  
Naples, Florida 34102-6400  
(w/o enclosures)

Mr. Joe Mihalik  
Flatiron Solutions  
4747 Table Mesa Road  
Boulder, Colorado 80305-5573  
(w/o enclosures)

Ms. Cynthia Wood  
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24 Greenway Plaza  
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Mr. Scott Bade  
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Mr. Hanif Sarangi  
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5717 Madge Place  
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Ms. Bonnie Cerrito  
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Mr. Todd Hunter  
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15301 Dallas Parkway, Suite 1100  
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(w/o enclosures)