



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 1, 2014

Mr. Eric D. Bentley  
Associate General Counsel  
Office of the General Counsel  
University of Houston System  
311 E Cullen Building  
Houston, Texas 77204-2028

OR2014-11343

Dear Mr. Bentley:

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# 527826.

The University of Houston (the "university") received a request for the proposals and tabulation sheets related to RFP# 784-13-12234. Although you take no position with respect to the public availability of the requested information, you state the proprietary interests of certain third parties might be implicated. Accordingly, you notified Arke Systems, L.L.C. ("Arke"), Computer Careers & Consulting, Inc. ("CCC"), KIC Developers ("KIC"), Mach B Technologies, Inc. ("Mach B"), MWH Public Relations, L.L.C ("MWH"), Richards Carlberg, Inc. ("R/C"), and Stamats, Inc. ("Stamats") of the request and of their right to submit arguments to this office explaining why their 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).

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 letter, we have not received arguments from any of the affected third parties. Thus, none of the third parties has demonstrated it has a protected proprietary interest in any of 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 university may not withhold the submitted information on the basis of any proprietary interests Arke, CCC, KIC, Mach B, MWH, R/C, or Stamats may have in the information.

We note some of the submitted information is 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). However, 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 you raise no exceptions to disclosure, the submitted information must be released in its entirety pursuant to copyright law.<sup>1</sup>

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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>We note the submitted information includes the requestor's proposal. We do not believe the requestor seeks access to its own proposal; therefore, we do not address the public availability of that information, and the university need not release it in response to the request.

Ref: ID# 527826

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Stamats, Inc.  
c/o Eric D. Bentley  
Associate General Counsel  
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Arke Systems, LLC  
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Computer Careers & Consulting, Inc  
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Mack B Technologies, Inc.  
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MWH Public Relations, LLC  
c/o Eric D. Bentley  
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Richards Carlberg, Inc.  
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Mr. Kevin P. Shick  
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