



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 10, 2014

Mr. Craig Purifoy  
Open Records Coordinator  
Texas Department of Family and Protective Services  
Mail Code 937  
P.O. Box 149030  
Austin, Texas 78714-9030

OR2014-11941

Dear Mr. Purifoy:

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# 528583 (DFPS ORR #04162014VR1).

The Texas Department of Family and Protective Services (the "department") received a request for two specified proposals submitted for a specified RFP. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of Public Consulting Group ("Public Consulting") and Change & Innovation Agency ("CIA"). Accordingly, you state, and provide documentation showing, you notified Public Consulting and CIA of the request for information and of its 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 received comments from Public Consulting. We have considered the submitted arguments and reviewed the submitted information.

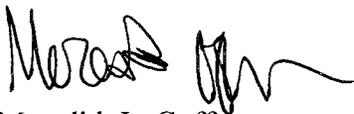
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from CIA. Thus, we have no basis to conclude CIA 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 department may not withhold any of the submitted information on the basis of any proprietary interest CIA may have in the information.

Public Consulting asserts section 552.147 of the Government Code, which provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Gov't Code § 552.147(a). Therefore, the department may withhold the social security number we have marked under section 552.147(a) of the Government Code. As no further exceptions against disclosure have been raised, the department must release the remaining information.

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,



Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/dls

Ref: ID# 528583

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Heather Baker  
Public Consulting Group  
816 Congress Street, Suite 1110  
Austin, Texas 78701  
(w/o enclosures)

Change & Innovation Agency  
c/o Mr. Craig Purifoy  
Open Records Coordinator  
Texas Department of Family and Protective Services  
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