



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 5, 2014

Mr. R. Brooks Moore
Managing Counsel, Governance
Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2014-15673

Dear Mr. Moore:

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# 536482 (TAMU File No. 14-446).

Texas A&M University (the "university") received a request for information pertaining to a specified request for proposals. You state the university will release some information to the requestor. We understand the university will withhold insurance policy numbers pursuant to section 552.136(c) of the Government Code.¹ Although you take no position as to whether the remaining requested information is excepted under the Act, you state release of this information may implicate the proprietary interests of Allscripts; EHS, Inc.; ESSI, Inc.; Medicat, L.L.C.; and Point and Click Solutions, Inc. Accordingly, you state you notified these parties of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to

¹Section 552.136(c) of the Government Code authorizes a governmental body to redact the information described in section 552.136(b) without the necessity of requesting a decision from this office. Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *Id.* § 552.136(d), (e).

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 comments from any of the third parties explaining why the submitted information should not be released. 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 the 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 interest the third parties may have in the information.

We note some of the submitted information 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 university must release the submitted information, but any information protected by copyright may only be released in accordance with copyright law.²

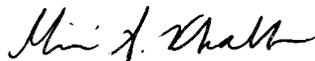
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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/>

²We note the information being released contains a social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See* Gov't Code § 552.147(b).

[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,



Miriam A. Khalifa
Assistant Attorney General
Open Records Division

MAK/ds

Ref: ID# 536482

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. David Bond
President
AllScripts
3161 West White Oaks Drive, Suite 101
Springfield, Illinois 62704
(w/o enclosures)

Mr. Sanders Pitman
CEO
EHS, Inc.
One Metroplex Drive, Suite 500
Birmingham, Alabama 35209
(w/o enclosures)

Mr. Tao Hsien Chen
President
ESSI
P.O. Box 828
Friendswood, Texas 77549
(w/o enclosures)

Ms. Stacy Kottman
President
Medicat
1100 Johnson Ferry Road, Suite 240
Atlanta, Georgia 30342
(w/o enclosures)

Mr. David Tan
President
Point and Click Solutions, Inc.
6 Lincoln Knoll Lane, Suite 101
Burlington, Massachusetts 01803
(w/o enclosures)