ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 5, 2014

Ms. Traci Riggs
Deputy City Secretary
City of Southlake
1400 Main Street, Suite 270
Southlake, Texas 76092

OR2014-20082

Dear Ms. Riggs:

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# 542656.

The City of Southlake (the "city") received a request for all record drawings for a specified address. Although you take no position as to whether the submitted information is excepted from disclosure under the Act, you inform us the release of this information may implicate the proprietary interests of CPAD, Inc., Mesco Building Solutions, Cheatham and Associates, and Don Illingworth and Associates, Inc. Accordingly, you state, and provide documentation demonstrating, the city notified these third parties of the request for information and of their right to submit arguments stating why the submitted information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); 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 reviewed the submitted information.

We note that 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

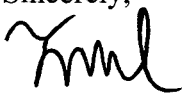
date of this decision, we have not received correspondence from any third party. Therefore, we have no basis to conclude that any third party has any protected proprietary interest in the submitted information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure 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 city may not withhold any portion of the submitted information based upon the proprietary interests of any third party.

You state 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 city must release the submitted information, but any information protected by copyright may only be released 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/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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 542656

Enc. Submitted documents

c: Requestor
(w/o enclosures)

CPAD, Inc.
1809 Longbranch Court
Arlington, Texas 76012
(w/o enclosures)

Cheatham and Associates
2233 Avenue J, Suite 107
Arlington, Texas 76006
(w/o enclosures)

Mesco Building Solutions
P.O. Box 93629
Southlake, Texas 76092
(w/o enclosures)

Don Illingworth and Associates, Inc.
2401 Avenue J, Suite 211
Arlington, Texas 76006
(w/o enclosures)