



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 18, 2014

Dr. Fernando C. Gomez
Vice Chancellor and General Counsel
The Texas State University System
208 East 10th Street, Suite 600
Austin, Texas 78701-2407

OR2014-20925

Dear Dr. Gomez:

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# 543837.

The Texas State University System (the "system") received a request for all bids submitted in response to a specified request for proposals, excluding the bid submitted by the requestor's company. Although you take no position as to whether the requested information is excepted under the Act, you state release of some of this information may implicate the proprietary interests of Ride Systems. Accordingly, you state you notified Ride Systems of the request for information and of its 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 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.

Initially, you inform us some of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-13758 (2014). In Open Records Letter No. 2014-13758, we concluded (1) the system must withhold ETA Transit Systems' customer information to the extent this information is not publicly available on its website under section 552.110(a) of the Government Code; (2) the system must withhold the pricing information we marked under section 552.110(b) of the Government Code; (3) the system must withhold the information we marked under section 552.136 of the Government Code; and (4) the system must release the remaining information; however, any information that is subject to copyright may be released only in accordance with copyright law. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, for the

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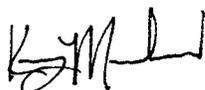
requested information that is identical to the information previously requested and ruled upon by this office, we conclude the system must continue to rely on Open Records Letter No. 2014-13758 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure).

Next, we note 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 comments from Ride Systems explaining why the submitted information should not be released. Therefore, we have no basis to conclude this third party has protected proprietary interests 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 system may not withhold the submitted information on the basis of any proprietary interests Ride Systems may have in the information. As no exceptions to disclosure have been raised, the submitted information must be released.

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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 543837

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Justin Rees
Ride Systems
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Morgan, Utah 84050
(w/o enclosures)