



February 24, 2014

Ms. Laurie Wainwright
Contracts Administrator
Harris County Purchasing Agent
1001 Preston, Suite 670
Houston, Texas 77002

OR2015-03625

Dear Ms. Wainwright:

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# 554530.

The Harris County Purchasing Agent (the "county") received a request for six categories of information related to request for proposals number 13/0330. You indicate you have released most of the information to the requestor. Although you take no position as to whether the requested information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of a third party. Accordingly, the county notified Perry Johnson & Associates, Inc. ("Perry Johnson"), of the request for information and of the company's right to submit arguments to this office as to why the requested 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 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 Perry Johnson explaining why the submitted information should not be released. Therefore, we have no basis to conclude Perry Johnson has a protected proprietary interest in the 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 county may not withhold any of the submitted information on the basis of any proprietary interest Perry Johnson may have in the information. As no exceptions to disclosure have been raised, the county must release the submitted 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, 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,



Rustam Abedinzadeh
Assistant Attorney General
Open Records Division

RA/dls

Ref: ID# 554530

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Jeffrey R. Hubbard
President
Perry Johnson & Associates, Inc.
1489 West Warm Springs Road, Suite 100
Henderson, Nevada 89012
(w/o enclosures)