



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2015

Ms. Marivi Gambini
Paralegal
City Attorney's Office
City of Irving
P.O. Box 152288
Irving, Texas 75015-2288

OR2015-06158

Dear Ms. Gambini:

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# 558365.

The City of Irving (the "city") received a request for information pertaining to a specified RFP. The city states it will release some information. Although the city takes no position as to whether the submitted information is excepted under the Act, it states release of the submitted information may implicate the proprietary interests of Amegy Bank of Texas, NA; Bank of America, NA; Comerica Bank; and JPMorgan Chase Bank, NA. Accordingly, the city states, and provides documentation showing, it notified these third parties of the request for information and of their 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 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 these parties have 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, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest any of the previously mentioned third parties 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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/dls

Ref: ID# 558365

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Christine Kohut
Amegy Bank of Texas, NA
P.O. Box 27459
Houston, Texas 77227-7459
(w/o enclosures)

Bank of America, NA
Attention: Contract Management
2044 Franklin Street
Oakland, California 94612
(w/o enclosures)

Ms. Rosie Fayson
Comerica Bank
1717 Main Street
Dallas, Texas 75201
(w/o enclosures)

Mr. Glen S. Forbes
JPMorgan Chase Bank, NA
420 Throckmorton, Fourth Floor
Fort Worth, Texas 76102
(w/o enclosures)