



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2015

Ms. Kelli H. Karczewski
Counsel for the Beaumont Independent School District
Karczewski Bradshaw, L.L.P.
350 Pine Street, Suite 210
Beaumont, Texas 77701

OR2015-06194

Dear Ms. Karczewski:

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# 558484.

The Beaumont Independent School District (the "district"), which you represent, received a request for "[a] copy of any contracts for extermination, cleaning[,] and any other services related to [a specified vermin problem]." Although you state the district takes no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the privacy interests of GuardTech Pest Management ("GuardTech"). Accordingly, you state you notified GuardTech of the district's receipt of the request for information and of its right to submit arguments to this office as to why the remaining 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.

Initially, we note some of the submitted information is not responsive to the request at issue because it does not contain contracts for the services enumerated above. Thus, this information, which we have marked, is not responsive to the request. This ruling does not address the public availability of that information, and the district need not release any non-responsive 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 arguments from

GuardTech. Thus, GuardTech has not demonstrated it has a protected proprietary interest in any of the responsive 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 district may not withhold the responsive information on the basis of any proprietary interests GuardTech may have in the information. As you raise no exceptions to disclosure, the responsive information must be released in its entirety.

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,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 558484

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Kenneth Carr
President
GuardTech Pest Management
6550 Concord Road
Beaumont, Texas 77708
(w/o enclosures)