



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 13, 2015

Mr. Joshua Haley  
Staff Attorney  
Intergovernmental Risk Pool  
Texas Municipal League  
P.O. Box 149194  
Austin, Texas 78714-9194

OR2015-09313

Dear Mr. Haley:

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# 563569.

The Texas Municipal League Intergovernmental Risk Pool ("TML") received a request for the fee schedules submitted by two named third parties in response to a specified request for proposals. Although you take no position as to whether the submitted information is excepted under the Act, you inform us its release may implicate the proprietary interests of Frost Bank and J.P. Morgan. Accordingly, you state, and provide documentation demonstrating, you notified the third parties of the request for information and of their right to submit arguments stating why their information should not be released. *See* Gov't Code § 552.305 (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 either third party.

Therefore, we have no basis to conclude these third parties have any protected proprietary interests 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, TML may not withhold any portion of the submitted information based upon the proprietary interests of either third party.

We note some of 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, TML 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](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# 563569

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Leigh Ann Bennett  
Frost Bank  
401 South Congress Avenue  
Austin, Texas 78701  
(w/o enclosures)

Mr. Larnell Camus  
J.P. Morgan  
221 West 6th Street, 2nd Floor  
Austin, Texas 78701  
(w/o enclosures)