



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 16, 2015

Ms. Amy L. Sims
Deputy City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR2015-14469

Dear Ms. Sims:

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# 572289.

The City of Lubbock (the "city") received a request for a copy of the executed contract between the city and the city's event ticketing software company. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Civic Lubbock, Inc. ("Civic Lubbock") and TICKETsage, Inc. ("TICKETsage"). Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their rights 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 received correspondence from Civic Lubbock. We have reviewed the submitted information.

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). We have only received comments from Civic Lubbock requesting TICKETSage be afforded the opportunity to object to the release of the requested information. Civic Lubbock does not provide any arguments against disclosure of the information at issue. Further, as of the date of this letter, we have not received comments from TICKETSage explaining why its information should not be released. Therefore, we have no basis to conclude Civic Lubbock or TICKETSage has any protected proprietary interests 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. Consequently, the city may not withhold any of the submitted information on the basis of any proprietary interests the third parties may have in it. As no exceptions to disclosure have been raised for the submitted information, the city must release it.

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 Keeney
Assistant Attorney General
Open Records Division

JDK/eb

Ref: ID# 572289

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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