



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 15, 2015

Mr. Corey Ryan
Interim Executive Director
Officer for Public Information
Community and Governmental Relations
Round Rock Independent School District
1311 Round Rock Avenue
Round Rock, Texas 78681

OR2015-19246

Dear Mr. Ryan:

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# 579462.

The Round Rock Independent School District (the "district") received a request for a proposal submitted by InfoSnap, Inc. ("InfoSnap"), as well as the contract with InfoSnap. Although we understand 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 InfoSnap. Accordingly, you state you notified InfoSnap of the request for information and of its 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.

Initially, we note you have not submitted information responsive to the request for the contract. To the extent the district maintained any such information when it received the request for information, we assume the district has released it. If the district has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301, .302; Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

We note 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 InfoSnap explaining why its information should not be released. Therefore, we have no basis to conclude InfoSnap has 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, 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 any of the information at issue on the basis of any proprietary interest InfoSnap may have in it. As no exceptions to disclosure have been raised, the district 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,



Kristi L. Godden
Assistant Attorney General
Open Records Division

KLG/cz

Ref: ID# 579462

Enc. Submitted documents

c: Requestor
(w/o enclosures)

InfoSnap
C/o: Mr. Corey Ryan
Interim Executive Director
Officer for Public Information
Community and Governmental Relations
Round Rock Independent School District
1311 Round Rock Avenue
Round Rock, Texas 78681
(w/o enclosures)