



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 16, 2015

Mr. David N. Brown
Assistant County Attorney
Williamson County
405 Martin Luther King, Box #7
Georgetown, Texas 78626

OR2015-19368

Dear Mr. Brown:

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# 579617.

Williamson County (the "county") received a request for information submitted in response to Proposal No. 15RFP00115. You take no position with respect to the public availability of the requested information, but you state the proprietary interests of US Digital Designs, Inc. ("Digital Designs") and Locution Systems, Inc. ("Locution") might be implicated. Accordingly, you notified Digital Designs and Locution of the request and of their right to submit arguments to this office explaining 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); *see also* 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.

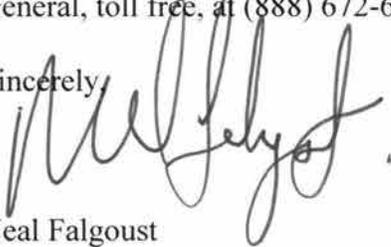
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from Digital Designs or Locution. Thus, neither party has demonstrated it has a protected proprietary interest in any of 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, the county may not withhold the submitted information on the basis of any proprietary interests Digital Designs or Locution may have in the information. As you raise no exceptions to disclosure, the county must release the submitted information 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/bhf

Ref: ID# 579617

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Maribeth Kascht
US Digital Designs
1835 East Sixth Street, Suite 27
Tempe, Arizona 85281
(w/o enclosures)

Mr. Glenn Neal
Locution Systems, Inc.
1626 Cole Boulevard, Suite 325
Golden, Colorado 80401
(w/o enclosures)