



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 18, 2015

Ms. Ashley D. Fourt
Assistant Criminal District Attorney
County of Tarrant
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2015-19486

Dear Ms. Fourt:

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# 580833.

The Tarrant County Purchasing Department (the "department") received a request for all applications submitted by Planned Parenthood Federation of America, Inc. ("Planned Parenthood") or any Planned Parenthood affiliate in response to a specified request for qualifications. You state the department has released some responsive information. 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 Planned Parenthood. Accordingly, you state, and provide documentation showing, you notified Planned Parenthood 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.

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 Planned Parenthood explaining why its information should not be released. Therefore, we have no basis to conclude Planned Parenthood 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 department may not withhold any of the information at issue on the basis of any proprietary interest Planned Parenthood may have in it. As no exceptions to disclosure have been raised, the submitted information must be released.

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,



Brian E. Berger
Assistant Attorney General
Open Records Division

BB/akg

Ref: ID# 580833

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Kenneth Lambrecht
Planned Parenthood of Greater Texas
7424 Greenville Avenue, Suite 206
Dallas, Texas 75231
(w/o enclosures)