



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 13, 2015

Ms. Jennifer Burnett
Attorney
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2015-23879

Dear Ms. Burnett:

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# 588650 (U.T. OGC# 164287).

The University of Texas Medical Branch at Galveston (the "university") received a request for the "bid tabulation/results" for bid number 16-003. You state, although the university takes no position with respect to whether the requested information is excepted from disclosure, its release may implicate the interests of third parties. Accordingly, you state the university notified the third parties of the request for information and of their right to submit arguments stating why their information should not be released.¹ *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.

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) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from the third parties explaining why their information should not

¹The third parties you state the university notified pursuant to section 552.305 are the following: Bosworth Papers; Clark Papers; Liberty Paper; Olmsted-Kirk Paper; P.D. Morrison Enterprises; Rala Concepts; Staples, Inc.; Today's Business Solutions; and TIBH.

be released to the requestor. Thus, we have no basis to conclude the release of the submitted information would implicate the interests of the third parties, and none of the submitted information may be withheld on that basis. *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. As no exceptions to disclosure have been raised, the university 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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/bhf

Ref: ID# 588650

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Ryan Mire
Bosworth Papers
P.O. Box 40905
Houston, Texas 77240-0905
(w/o enclosures)

Mr. Steve Wolford
Olmsted-Kirk Paper
P.O. Box 140873
Austin, Texas 78753
(w/o enclosures)

Ms. Jean Clark
Clark Papers
103 Saint Andrews Circle
Hideaway, Texas 75771
(w/o enclosures)

Mr. Jorge Martinez
Liberty Paper
5025 Hampton Street
Los Angeles, California 90058
(w/o enclosures)

Ms. Laura Hoy
Rala Concepts
1405 Fall Creek Loop
Cedar Park, Texas 78613
(w/o enclosures)

Mr. Joe Scardino
Staples, Inc.
19302 Paradise Summit Drive
Tomball, Texas 77377
(w/o enclosures)

Mr. Robert Jimenez
Today's Business Solutions
1920 North Memorial Way
Houston, Texas 77007
(w/o enclosures)

Mr. Paul David Morrison
P.D. Morrison Enterprises
Building 2 #208
1120 Toro Grande Boulevard
Cedar Park, Texas 78613
(w/o enclosures)