



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 4, 2016

Mr. Robert Russo
Counsel for Northside Independent School District
Walsh, Gallegos, Trevino, Russo & Kyle, P.C.
P.O. Box 460606
San Antonio, Texas 78246

OR2016-02768

Dear Mr. Russo:

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# 597504.

The Northside Independent School District (the "district"), which you represent, received a request for information pertaining to a specified request for proposals. You state the district will release some information to the requestor. You state the district will withhold certain information under section 552.136(c) of the Government Code.¹ 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 Capitol Region Education Council; District Management Council; Ed21 Consulting Services; The E2 Group, Inc.; Futures Education; Public Consulting Group; and Stetson & Associates, Inc. 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 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

¹Section 552.136(c) of the Government Code allows a governmental body to redact the information described in section 552.136(b) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

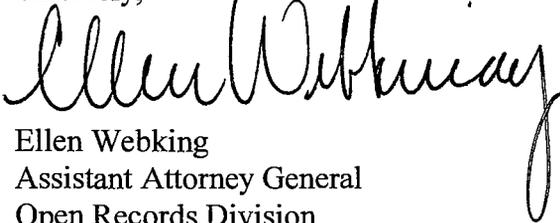
to that party should not be released. See Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received correspondence from any of the third parties. Therefore, we have no basis to conclude the third parties have any protected proprietary interests in the submitted information. See *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 district may not withhold any portion of the submitted information based upon the proprietary interests of any of the third parties.

We note some of the submitted information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. As no exceptions to disclosure have been raised, the district must release the submitted information, but any information protected by copyright may be released only in accordance with copyright law.

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,



Ellen Webking
Assistant Attorney General
Open Records Division

EW/akg

Ref: ID# 597504

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Frances Stetson
Stetson & Associates, Inc.
14343-G Torrey Chase Boulevard
Houston, Texas 77014
(w/o enclosures)

Ms. Margaret MacDonald
Capitol Region Education Council
111 Charter Oak Avenue
Hartford, Connecticut 06106
(w/o enclosures)

Ms. Jennifer Meller
Public Consulting Group
816 Congress Avenue, Suite 1110
Austin, Texas 78701
(w/o enclosures)

Mr. Brian Edwards
Futures Education
136 William Street
Springfield, Massachusetts 01105
(w/o enclosures)

Ms. Kathy Clayton
Ed21 Consulting Services
4309 Harcourt Drive
Austin, Texas 78727
(w/o enclosures)

Ms. Tracy Knickerbocker
The E2 Group Inc.
7714 Silent Forest Drive
Sugar Land, Texas 77479
(w/o enclosures)

Mr. Nathan Levenson
The District Management Council
70 Franklin Street, 7th Floor
Boston, Massachusetts 02110
(w/o enclosures)