



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 28, 2016

Mr. Ross Laughead
General Counsel
District Office of Legal Services
Alamo Community College District
201 West Sheridan, Building C-8
San Antonio, Texas 78204-1429

OR2016-06856

Dear Mr. Laughead:

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# 602966.

The Alamo Community College District (the "district") received three requests from different requestors for information pertaining to the selection of winning proposals for collection services. You state the district does not have information responsive to the request for protests to the award.¹ You state the district has released some 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 Collections Unlimited; Enterprise Recovery Systems, Inc.; H.S. Financial Group, L.L.C.; Key2Recovery, Inc.; and Williams and Fudge. 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.

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

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 any of the third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties has protected proprietary interests 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 the submitted information on the basis of any proprietary interest the third parties may have in the information. As you raise no exceptions to disclosure, 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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/dls

Ref: ID# 602966

Enc. Submitted documents

c: 3 Requestors
(w/o enclosures)

Mr. Jason A. Call
Senior Vice President & Managing Partner
Collections Unlimited
2000 Dairy Ashford, Suite 680
Houston, Texas 77077
(w/o enclosures)

Ms. Victoria Pirrung
Regional Vice President, Business Development
Mr. Steve Recchia
Vice President
Enterprise Recovery Systems, Inc.
840 South Frontage Road
Woodridge, Illinois 60517
(w/o enclosures)

Mr. Timothy M. Sullivan
President
H.S. Financial Group, L.L.C.
25651 Detroit Road, Suite 203
Cleveland, Ohio 44145
(w/o enclosures)

Mr. R. Douglas Plummer
CEO
Key2Recovery, Inc.
8894 Beckett Road
West Chester, Ohio 45069
(w/o enclosures)

Mr. Christopher P. Ruh
Executive Vice President of Sales & Compliance
Williams and Fudge
300 Chatham Avenue
Rock Hill, South Carolina 29731
(w/o enclosures)