



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 13, 2016

Ms. Cynthia Tynan  
Attorney & Public Information Coordinator  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2016-08282

Dear Ms. Tynan:

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# 605538 (System OGC# 167127).

The University of Texas System (the "system") received a request for the winning proposal for a specified request for proposals. You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. You also state the release of the submitted information may implicate the proprietary interests of Sierra-Cedar, Inc. ("SCI"). Accordingly, you state, and provide documentation showing, you notified SCI of the request and of its right to submit arguments to this office explaining why its 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 received comments from SCI. We have considered the submitted arguments and reviewed the submitted information.

Initially you state, and we agree, the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-20565 (2014). In Open Records Letter No. 2014-20565, we determined the system must (1) withhold the information we marked under section 552.139 of the Government Code; (2) withhold SCI's financial statements, which we marked, as well as SCI's customer information, to the extent it is not publicly available on the company's website, under section 552.110(b) of the Government Code; and (3) release the remaining information in

accordance with any applicable copyright law. Although you state the law on which Open Records Letter No. 2014-20565 was based has changed, we note with respect to the information and arguments presented here there has been no change in the law, facts, or circumstances on which the prior ruling was based. Thus, the system must continue to rely on Open Records Letter No. 2014-20565 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address the submitted arguments.

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](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,



Abigail T. Adams  
Assistant Attorney General  
Open Records Division

ATA/akg

Ref: ID# 605538

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

1 Third Party  
(w/o enclosures)