



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 22, 2016

Mr. Ruhee G. Leonard
Assistant County Attorney
Williamson County
405 Martin Luther King Street, #7
Georgetown, Texas 78626

OR2016-14204

Dear Mr. Leonard:

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# 615081.

Williamson County (the "county") received a request for pricing sheets, worksheets, vendor cover letters, and best and final pricing information pertaining to request for proposals 15RFP120 Bank Depository Services and/or Bank Sub-Depository Services. You state the county has released some of the requested 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 third parties. Accordingly, you state, and provide documentation showing, you notified BBVA Compass ("BBVA") and Wells Fargo of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released.¹ *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.

Initially, we note portions of the submitted information are not responsive to the instant request because they do not consist of the requested pricing sheets, worksheets, vendor cover letters, and best and final pricing information. The county need not release nonresponsive information in response to this request, and this ruling will not address that information.

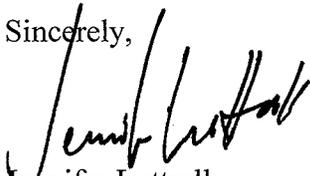
¹You inform us Wells Fargo does not object to release of its information.

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



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 615081

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)