



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 23, 2016

Ms. Meredith L. Kennedy
Assistant District Attorney
Office of the Wichita County Criminal District Attorney
900 Seventh Street
Wichita Falls, Texas 76301-2482

OR2016-14338

Dear Ms. Kennedy:

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# 616724 (ORR No. 937).

The Wichita County Judge's Office (the "judge's office") received a request for a specified page of the current contract with Tyler Technologies, Inc. ("Tyler"). Although the judge's office takes no position as to whether the submitted information is excepted under the Act, it states release of the submitted information may implicate the proprietary interests of Tyler. Accordingly, the judge's office states, and provides documentation showing, it notified Tyler of the request for information and of its right to submit arguments to this office as to why the submitted information 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.

Initially, we note the information we have marked is not responsive to the request because it does not consist of the specified page of the specified contract. Thus, this information is not responsive to the instant request, and the judge's office need not release non-responsive information in response to the request.

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 Tyler explaining why the responsive information should not be released. Therefore, we have no basis to conclude Tyler has a protected proprietary interest in the responsive 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, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. Accordingly, the judge's office may not withhold the responsive information on the basis of any proprietary interest Tyler may have in the information. The judge's office must release the responsive 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,



Lee Seidlits
Assistant Attorney General
Open Records Division

CLS/bw

Ref: ID# 616724

Enc. Submitted documents

c: Requestor
(w/o enclosures)