



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 14, 2016

Ms. H. Karen Fastenau Meisel
General Counsel
Texas Veterans Commission
P. O. Box 12277
Austin, Texas 78711-2277

OR2016-15898

Dear Ms. Meisel:

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# 620603 (PIA# 2016-09) .

The Texas Veterans Commission (the "commission") received a request for (1) all current contracts between the commission and any managed print or multi-function device providers; and (2) the last three invoices from these providers for the leases, purchases, and monthly services rendered. 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 interests of Canon Solutions America; Canon USA, Inc.; the Texas Department of Information Resources (the "department"); and Xerox Corporation. Accordingly, you state, and provide documentation showing, you notified these parties 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. *See* Gov't Code §§ 552.304 (interested party may submit comments stating why information should or should not be released), .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.

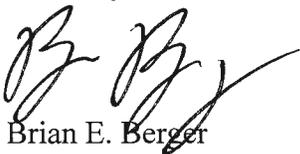
As of this date, we have not received comments from the department. Accordingly, the commission may not withhold any portion of the information at issue on the basis of any interest the department may have in it. In addition, we note an interested third party is

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



Brian E. Berger
Assistant Attorney General
Open Records Division

BB/eb

Ref: ID# 620603

Enc. Submitted documents

c: Requestor
(w/o enclosures)