



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 3, 2016

Mr. Ryan Mitchell  
Assistant City Attorney  
City of Arlington  
P. O. Box 90231  
Arlington, Texas 76004-3231

OR2016-02597

Dear Mr. Mitchell:

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# 597564 (ORR# W024455 & W024760).

The City of Arlington (the "city") received two requests from different requestors for information related to request for proposals number 15-HR-0164. You state the city 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 the submitted information may implicate the proprietary interests of Claim Technologies, Inc. ("CTI"); Risk & Regulatory Consulting, L.L.C. ("RRC"); and Buck Consultants ("Buck"). Accordingly, you state, and provide documentation showing, you notified CTI, RRC, and Buck 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 § 552.305(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.

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 CTI, RRC, or Buck explaining why the submitted information should not be released. Therefore, we have no basis to conclude CTI, RRC, or Buck 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 city may not withhold the submitted information on the basis of any proprietary interest CTI, RRC, or Buck may have in the information. As no exceptions to disclosure have been raised, the city must release the submitted 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](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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/sb

Ref: ID# 597564

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)

Mr. Daniel Montgomery  
Vice President  
Claim Technologies  
100 Court Avenue, Suite 306  
Des Moines, Iowa 50309  
(w/o enclosures)

Mr. Joseph Clark  
Managing Partner  
Risk & Regulatory Consulting, L.L.C.  
20 Batterson Park Road, Suite 380  
Farmington, Connecticut 06032  
(w/o enclosures)

Mr. Richard Yax  
Director, Audit and Reporting Services  
Buck Consultants  
1201 Louisiana Street, Suite 750  
Houston, Texas 77002  
(w/o enclosures)