



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 29, 2017

Ms. Amanda K. Davis
Associate General Counsel
Dallas County Schools
8035 E RL Thornton Freeway, Suite 200
Dallas, Texas 75228

OR2017-06464

Dear Ms. Davis:

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# 650939 (Ref. No. W001261-010917).

Dallas County Schools ("DCS") received a request for specified invoices submitted by LeMaster Group Ltd. ("LeMaster"). You state you have released some of the requested information to the requestor. Although you take no position as to whether the submitted information is excepted from disclosure under the Act, you state, and provide documentation showing, you notified LeMaster of the request for information and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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 received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released). We have reviewed the submitted information.

Initially, we must address the requestor's claim the city failed to comply with the procedural requirements of the Act. *See id.* § 552.301. Pursuant to subsection 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. *See id.* § 552.301(b).

Further, pursuant to subsection 552.301(e), a governmental body must submit to this office within fifteen business days of receiving an open records request (1) written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. *See id.* § 552.301(e). DCS states, and the requestor agrees, DCS received the request for information on January 9, 2017. DCS states it was closed on January 16, 2017. This office does not count the date the request was received or holidays for the purpose of calculating a governmental body's deadlines under the Act. Accordingly, DCS' ten- and fifteen-business-day deadlines were January 24, 2017, and January 31, 2017, respectively. DCS submitted the information required by subsection 552.301(b) and subsection 552.301(e) by electronic submission on January 24, 2017, and January 31, 2017, respectively. *See Gov't Code* § 552.309(a) (requirement to submit information within specified time period under the Act is met in timely fashion if it is submitted through attorney general's designated electronic filing system within that period). Therefore, we find DCS complied with the procedural requirements of section 552.301 of the Government Code in requesting this decision.

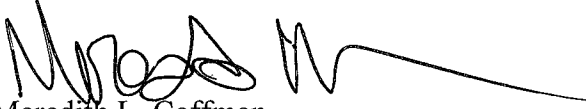
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See Gov't Code* § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from LeMaster. Thus, we have no basis to conclude LeMaster has a protected proprietary interest in the submitted information. *See id.* § 552.110(a)-(b); 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, DCS may not withhold any of the submitted information on the basis of any proprietary interest LeMaster may have in it. DCS 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, 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,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal flourish extending to the right.

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Ref: ID# 650939

Enc. Submitted documents

c: Requestor

Third Party