



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 3, 2017

Mr. R.P. Matthew Allen
Counsel for Port Freeport
Cordoba Law Firm, PLLC
208 Parking Way
Lake Jackson, Texas 77566

OR2017-09452

Dear Mr. Allen:

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# 655667.

Port Freeport (the "port"), which you represent, received a request for the current contract, evaluations, and winning proposal related to a request for proposals for contract security officer services. The port claims some of the submitted information is excepted from disclosure under section 552.104 of the Government Code. Additionally, the port indicates release of the submitted information may implicate the proprietary interests of U.S. Security Associates, Inc. ("USSAI"), and Weiser Security, Inc. ("Weiser"). Accordingly, the port indicates it notified USSAI and Weiser 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 received comments from USSAI and Weiser. We have reviewed the submitted information and the submitted arguments. We have considered the submitted arguments and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2017-08966 (2017). In that ruling, we concluded the port may withhold portions of the submitted information under

section 552.104(a) of the Government Code and must release the remaining information. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the port must continue to rely on Open Records Letter No. 2017-08966 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address the submitted arguments against disclosure.

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 655667

Enc. Submitted documents

c: Requestor
(w/o enclosures)

2 Third Parties
(w/o enclosures)