



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 2, 2018

Mr. Zachary Brown  
Assistant City Attorney  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

OR2017-28614A

Dear Mr. Brown:

This office issued Open Records Letter No. 2017-28614 (2017) on December 18, 2017. Since that date, we have received new information that affects the facts on which this ruling was based. Consequently, this decision serves as the corrected ruling and is a substitute for the decision issued on December 18, 2017. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act ("Act")). This ruling was assigned ID# 707125 (PIR# 37410).

The City of Austin (the "city") received a request for bid tabulation results and responses to a specified request for proposal. 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 proprietary interests of CourtView Justice Solutions, Inc.; Pioneer Technology Group, L.L.P.; Tyler Technologies, Inc.; and Unisys Corporation. Accordingly, you state, and provide documentation showing, you notified the interested third parties of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released. *See id.* § 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.

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. 2017-21074C (2018). In that ruling, we concluded (1) the city may withhold portions of Pioneer's information under section 552.104 of the Government Code; (2) to the extent the customer information at issue has not been published on Tyler's website, the city must withhold Tyler's customer information under section 552.110(a) of the Government Code; (3) the city must withhold certain portions of Tyler's information under section 552.110(b) of the Government Code; (4) the city must withhold the information we marked under section 552.136 of the Government Code; and (5) the city must release the remaining information; however, the city may only release any information subject to copyright in accordance with copyright law. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the city must continue to rely on Open Records Letter No. 2017-21074C 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).

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,



Jahna Ward  
Assistant Attorney General  
Open Records Division

JW/tdw

Ref: ID# 707125

c: Requestor

4 Third Parties