



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 12, 2019

Mr. Matthew Burris
Assistant General Counsel
University of North Texas System
1155 Union Circle #310907
Denton, Texas 76203-5017

OR2019-04065

Dear Mr. Burris:

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# 750434 (PIR No. 006418).

The University of North Texas (the "university") received a request for contracts, agreements, purchase orders, invoices, and request for proposals responses pertaining to Digital Architecture ("DIGARC"), including pricing information during a stated time period. Although the university takes no position regarding whether the submitted information is excepted from disclosure, the university states its release may implicate the proprietary interests of DIGARC. Accordingly, the university states, and provides documentation showing, it notified DIGARC of the request for information and of its right to submit arguments to this office. *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 representative sample of information.¹

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) of the Government Code to submit its reasons, if any, as to why information relating to that party should be withheld from public

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

disclosure. See Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from DIGARC explaining why the information at issue should not be released. Thus, we have no basis to conclude DIGARC 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, 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. Therefore, the university may not withhold the submitted information on the basis of any proprietary interest DIGARC may have in the information. Accordingly, the university 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,



James M. Graham
Assistant Attorney General
Open Records Division

JMG/eb

Ref: ID# 750434

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)