



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 6, 2019

Ms. Clarissa Orona
Office Assistant II
City of Dallas
1500 Marilla Street, 3FN
Dallas, Texas 75201

OR2019-06231

Dear Ms. Orona:

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# 753865 (ORR# C010575-112118).

The City of Dallas (the "city") received a request for information pertaining to a specified contract. Although the city takes no position as to whether the submitted information is excepted from disclosure under the Act, you state release of the submitted information may implicate the proprietary interests of Geneva Worldwide, Inc. ("Geneva").¹ Accordingly, you state, and provide documentation showing, you notified Geneva 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 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received comments

¹We note the city failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, third party interests can provide a compelling reason to overcome the presumption of openness caused by failure to comply with section 552.301. *See id.* §§ 552.007, .302; Open Records Decision No. 150 at 2 (1977). Thus, we will consider whether the submitted information is excepted from disclosure under the Act, notwithstanding the city's violation of section 552.301 in requesting this decision.

from Geneva. We have considered the submitted arguments and reviewed the submitted information.

Although Geneva asserts its information is excepted under section 552.103 of the Government Code, we note that exception is designed to protect the interests of governmental bodies and not the interests of third parties. *See* Gov't Code § 552.103 (excepts from disclosure litigation or settlement negotiations involving the state or a political subdivision). We note the city did not raise section 552.103 of the Government Code. Thus, we do not address Geneva's argument under section 552.103 of the Government Code. As no further 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, 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,



D. Michelle Case
Assistant Attorney General
Open Records Division

DMC/jxd

Ref: ID# 753865

Enc. Submitted documents

c: Requestor
(w/o enclosures)

2 Third Parties
(w/o enclosures)