



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 01, 2020

Mr. James Powell
Assistant General Counsel
North Central Texas Council of Governments
P.O. Box 5888
Arlington, Texas 76005-5888

OR2020-15007

Dear Mr. Powell

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# 831632.

The North Central Texas Council of Governments (the "NCTOG") received a request for the proposal submitted by Learning Technologies Group- PeopleFluent ("PeopleFluent") in response to bid number ITB NCT 2018-17 Diversity, Inclusion, and Compensation Services. 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 PeopleFluent. Accordingly, you state you notified PeopleFluent 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 reviewed the submitted information.

We note 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) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from PeopleFluent explaining why its information should not be released. Therefore, we have no basis to conclude PeopleFluent has a protected proprietary interest in the submitted information. *See id.* § 552.110. Accordingly, the NCTOG may not withhold any of the

information at issue on the basis of any proprietary interest PeopleFluent may have in it. NCTOG 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/mo

Ref: ID# 831632

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)