



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 1, 2020

Mr. Jeffrey W. Giles and Mr. Tyrone Lin
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR2020-21979

Dear Mr. Giles and Mr. Lin:

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# 842753 (GC Nos. 26760 and 26788).

The City of Houston (the "city") received two requests from different requestors for specified bid results. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of specified third parties.¹ Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of the 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

¹ The third parties are: Alamo Tees & Advertising; AMC Promotional Products; Bass Specialty Sales, Inc.; Cowgirl Specialties; Dena Joy Davidson, LLC; GG Outfitters; Inman Promotional Team; Janmart USA; Inception, Inc.; Net Results; New Resources Group; Old Lutz Trading Company, LLC; PR Advertising; Product Envy; Progressive Marketing; Project Promotions; Roberts Infinite Services, LLC; S & K Associates; Sierra Group, LLC; Stiff, LLC; STS Brand; The Urban Circle, LLC; and Top Choice International Trading Corporation.

from the notified third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude these third parties have a protected proprietary interest in the submitted information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest these third parties may have in the information. As no 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 <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,

Deborah Southerland
Assistant Attorney General
Open Records Division

DS/be

Ref: ID# 842753

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

23 Third Parties
(w/o enclosures)