



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 8, 2022

Ms. Torsha McCarty
Legal Assistant
Dallas College
1601 Botham Jean Boulevard
Dallas, Texas 75215-1816

OR2022-03298

Dear Ms. McCarty:

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# 929745.

Dallas College (the "college") received a request for funds paid by the college to Boston Consulting Group ("BCG") in the last ten years. 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 BCG; Deloitte Consulting, LLP ("Deloitte"); and International Consulting Acquisition Corporation. Accordingly, you state, and provide documentation showing, you notified these 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* 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 received comments from Deloitte. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the requestor seeks information related to funds paid to BCG. Accordingly, only information pertaining to BCG is responsive to the request. This ruling does not address the public availability of any information that is not responsive to the request and the college is not required to release such information in response to this request.¹

¹ As we are able to make this determination, we do not address Deloitte's arguments against disclosure of this information.

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 BCG explaining why the responsive information should not be released. Therefore, we have no basis to conclude BCG has a protected proprietary interest in the responsive information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the college may not withhold the responsive information on the basis of any proprietary interest BCG may have in the information. The college must release the responsive 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,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/jm

Ref: ID# 929745

Enc. Submitted documents

c: Requestor
(w/o enclosures)

3 Third Parties
(w/o enclosures)