



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 11, 2022

Ms. Clara H. Saafir  
Assistant District Attorney  
Dallas County District Attorney's Office  
411 Elm Street, 5th Floor  
Dallas, Texas 75202

OR2022-19769

Dear Ms. Saafir:

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# 955244 (Ref. No. D004662-032922).

Dallas County (the "county") received a request for proposals submitted in response to a specified solicitation. 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 APTIM Environmental & Infrastructure, L.L.C. ("APTIM"); CDR Maguire, Inc. ("CDR"); Disaster Recovery Services, L.L.C.; Ernst & Young, L.L.P. ("EY"); ICF Incorporated, L.L.C. ("ICF"); Tetra Tech, Inc. ("Tetra"); The HR Doctor, L.L.C.; and Tidal Basin Government Consulting, L.L.C. Accordingly, you state, and provide documentation showing, the county notified these third parties of the request for information and of their 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 received comments from APTIM, CDR, EY, ICF, and Tetra. We have reviewed the submitted information and considered the submitted arguments.

Initially, 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 any of the remaining third parties explaining why the submitted

information should not be released. Therefore, we have no basis to conclude any of the remaining third parties have protected proprietary interests 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 county may not withhold the submitted information on the basis of any proprietary interest any of the remaining third parties may have in the information.

Next, we note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-12748A (2022). In that ruling, we determined, in relevant part, the county must: (1) withhold the information we marked and APTIM's, CDR's, EY's, and ICF's customer information under section 552.1101 of the Government Code, to the extent APTIM's, CDR's, EY's, and ICF's customer information is not made available to the public by APTIM, CDR, EY, or ICF, including but not limited to on their websites or social media accounts; (2) withhold all insurance policy numbers within the remaining information under section 552.136 of the Government Code; and (3) release the remaining information; however, any information that is subject to copyright may be released only in accordance with copyright law. We have no indication there has been any change in the law, facts, or circumstances on which Open Records Letter No. 2022-12748A was based. Accordingly, the county must rely on Open Records Letter No. 2022-12748A as a previous determination and withhold or release the submitted information in accordance with that ruling.<sup>1</sup> *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,

Alex Burks  
Assistant Attorney General  
Open Records Division

AB/jm

Ref: ID# 955244

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<sup>1</sup> As our ruling is dispositive, we need not address the arguments against disclosure of this information.

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

8 Third Parties  
(w/o enclosures)