



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 19, 2022

Ms. Hadassah Schloss  
Open Government Director  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711-2873

OR2022-24926

Dear Ms. Schloss:

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# 965095 (GLO ID# 22-0738).

The Texas General Land Office (the "GLO") received a request for the winning bid related to a specified request for proposals and a list of bidders, prices, and scoring documents related to the specified request for proposals. You state you have released some information to the requestor. Although you take no position regarding whether the submitted information is excepted from disclosure under the Act, you inform us its release may implicate the proprietary interests of Neely Behavioral Health, PLLC d/b/a Neely EAP ("Neely"). Accordingly, you state, and provide documentation showing, you notified Neely of the request for information and of its right to submit arguments to this office. *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.

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) of the Government Code 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 Neely explaining why the information at issue should not be released. Thus, we have no basis to conclude Neely has 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). Therefore, the GLO may not withhold the submitted information on the basis of any proprietary interest Neely may have in the information.

We note some of the submitted information may be subject to copyright law. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. Accordingly, the GLO must release the submitted information; however, any information subject to copyright may only be released in accordance with copyright law.

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,

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/jxd

Ref: ID# 965095

c: Requestor

Third Party