



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 2, 2022

Mr. Craig Stoddart
Assistant Criminal District Attorney
Rockwall County District Attorney's Office
1111 Yellowjacket Lane, Suite 201
Rockwall, Texas 75087

OR2022-37326

Dear Mr. Stoddart:

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# 987591.

Rockwall County (the "county") received a request for all contracts with a named entity for a specified time period.¹ You state, although the county takes no position with respect to whether the requested information is excepted from disclosure, its release may implicate the interests of a third party. Accordingly, you state, and provide documentation demonstrating, the county notified Tyler Technologies, Inc. of the request for information and of its right to submit arguments stating why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental

¹ As you have not submitted a copy of the request for information for our review, we take our description from your brief to our office. We note the county did not submit copy of the request for information; thus, the county failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(e) (requiring governmental body to submit within fifteen business days of receiving request for information comments explaining applicability of raised exceptions, copy of request for information, signed statement of date governmental body received request or evidence sufficient to establish date, and copy of information governmental body seeks to withhold or representative samples). Nonetheless, third party interests can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* § 552.302; Open Records Decision No. 150 at 2 (1977). Because third party interests are at stake in this instance, we will address the public availability of the information at issue.

body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted 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) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from the notified third party explaining why its information should not be released to the requestor. Thus, we have no basis to conclude the release of the information would implicate the third party's interests, and none of the information may be withheld on that basis. *See, e.g., id.* § 552.110 (requiring provision of specific factual evidence demonstrating applicability of exception). As no exceptions to disclosure have been raised, the county 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,

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/pt

Ref: ID# 987591

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)