



THE ATTORNEY GENERAL
OF TEXAS

JIM SLATTON
ATTORNEY GENERAL

May 18, 1990

Mr. Gary W. Smith
City Attorney
City of Texarkana
P.O. Box 1967
Texarkana, Texas 75504

OR90-192

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9041.

The City of Texarkana received an open records request for the annual audited financial records and financial statements of Western Waste Industries, Inc., the city's contractor for solid waste collection and disposal. You contend that the requested information comes under the protection of sections 3(a)(4) and 3(a)(10) of the Open Records Act.

Section 3(a)(10) protects, inter alia, "commercial or financial information obtained from a person." This material is clearly financial information, and you have demonstrated that actual competition exists and that the release of this information would in all likelihood result in substantial competitive injury to Western Waste Industries. Your request for a decision is governed by Open Records Decision No. 309 (1982); you may consequently withhold the financial statements.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-192.

Yours very truly,

A handwritten signature in cursive script that reads "Jim Moellinger".

Jim Moellinger
Assistant Attorney General
Opinion Committee

Mr. Gary W. Smith - Page 2 (OR90-192)

JM/RWP/le

Ref.: ID# 9041, 9020

cc: Doug Myers
Texarkana Gazette
315 Pine Street
Texarkana, Texas 75504