



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 28, 1996

Ms. Judith M. Porras
General Counsel
General Services Commission
P.O. Box 13047
Austin, Texas 78711-3047

OR96-0813

Dear Ms. Porras:

The General Services Commission (the "commission") received a request for certain information regarding Sweezy Construction Company ("Sweezy"). In *Open Records Letter No. 95-1263 (1995)*, this office concluded that the requested records could not be withheld under section 552.110 of the Government Code. We notified the commission by letter dated March 5, 1996, that we were withdrawing that ruling to the extent that it concluded that the requested records could not be withheld under section 552.110 as "commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision." In that letter, we explained to the commission and Sweezy that this office modified the way this prong of section 552.110 of the Government Code is interpreted in *Open Records Decision No. 639 (1996)*. We gave the commission and Sweezy twenty-one days to provide this office with additional briefing as to why any commercial or financial information should be excepted from disclosure under section 552.110 based on the standard set forth in *Open Records Decision No. 639 (1996)*.

A person seeking to prevent disclosure under the "commercial or financial information" prong of section 552.110 must provide specific facts or evidence to show that it actually faces competition and that substantial competitive injury would result from release of the information. *Open Records Decision No. 639 (1996)* at 4. We have not received any additional correspondence from either the commission or Sweezy. Therefore, we conclude that Sweezy has not met its burden under section 552.110 of the Government Code. The commission must withhold federal tax returns as explained in *Open Records Letter No. 95-1263 (1995)*. The remaining information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 39105

Enclosure: Open Records Decision No. 639 (1996)

cc: Ms. Shireen Irani Bacon
Strasburger & Price, L.L.P.
2600 One American Center
600 Congress Avenue
Austin, Texas 78701-3288
(w/o enclosure)

Mr. Moses M. Salas Jr.
Kiesel, Salas & Bellamy, P.C.
422 E. Harrison
Harlingen, Texas 78550
(w/o enclosure)