



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 28, 1996

Mr. Charles E. Griffith
Deputy City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR96-0815

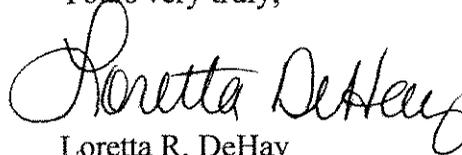
Dear Mr. Griffith:

The City of Austin (the "city") received a request for several categories of documents relating to Don Limon's ("Limon") restaurant. Limon claimed that release of annual financial statements should not be disclosed. This office informed Limon of the request and of its obligation to claim the exceptions to disclosure it believed apply to the requested information. Limon did not respond. In Open Records Letter No. 95-1352 (1995), this office concluded that the requested records could not be withheld under section 552.110 of the Government Code. We notified the city 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 city and Limon 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 city and Limon 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 city or Limon. Therefore, we conclude that Limon has not met its burden under section 552.110 of the Government Code and you must release the requested information in its entirety.

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# 39192

Enclosure: Open Records Decision No. 639 (1996)

cc: Ms. Amy L. Smith
Staff Writer
Austin Business Journal
1301 Capital of Texas Highway, Suite C-200
Austin, Texas 78746
(w/o enclosure)

Don Limon, Inc.
c/o Ms. Barbara M. Barron
Barron 7 Newburger
900 Congress, Suite 200
Austin, Texas 78701
(w/o enclosure)