



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 10, 1996

Mr. Robert B. Spoonemore
Superintendent of Schools
Pflugerville Independent School District
1401 West Pecan
Pflugerville, Texas 78660

Mr. David Anderson
Chief Counsel
Office of Legal Services
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR96-1109

Dear Messrs. Spoonemore and Anderson:

Each of you ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your requests have been assigned ID## 40163 and 40345.

The Pflugerville Independent School District (the "school district") and the Texas Education Agency ("TEA") have received a request for a copy of the video tapes entered into evidence in a special education hearing, Docket No. 197-SE-295. Neither of you has raised any exceptions to required public disclosure under the Open Records Act but TEA asserts that the information requested may be protected from required public disclosure as proprietary information belonging to Mr. Michael Daniels, a consultant to the school district, raising section 552.110 on Mr. Daniels' behalf.

Section 552.110 excepts from required public disclosure a "trade secret or commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision." Pursuant to section 552.305 of the Government Code, this office notified Mr. Daniels of the open records request and

provided him with an opportunity to submit in writing to this office his reasons why the information should be withheld or released. To date, we have received no correspondence from Mr. Daniels arguing against the release of the requested information. Because Mr. Daniels has not submitted any arguments or information to establish that the requested information is excepted from disclosure, the requested information must be released to the requestor.

We are resolving this matter with this 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 may 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,

A handwritten signature in black ink that reads "Todd Reese". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID## 40163, 40345

Enclosures: Submitted videotapes

cc: Mr. Remi Barron
Investigative Reporter
K-EYE TV
10700 Metric Boulevard
Austin, Texas 78758
(w/o enclosures)

Mr. Michael Daniels
P.O. Box 58662
Webster, Texas 77598
(w/o enclosures)