



May 18, 1999

Ms. Carla Robinson  
Assistant City Attorney  
City of College Station  
P.O. Box 9960  
College Station, Texas 77842

OR99-1366

Dear Ms. Robinson:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124437.

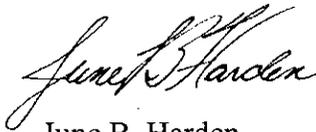
The City of College Station (the "city") received a request for information related to the applications submitted to the city by four local businesses for participation in the "Facade Improvement Program." You state that you will release most of the requested information. You claim, however, that certain documents related to the application submitted by Loupot's Too may be protected from disclosure by section 552.110 of the Government Code. Gov't Code §§ 552.007, .305. You raise no exception to disclosure on behalf of the city, and make no arguments regarding the proprietary nature of the submitted information.

Since the property and privacy rights of a third party may be implicated by the release of the requested information, this office notified Loupot's Too of the request for information. *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 that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances). Loupot's Too did not respond to our notice; therefore, we cannot conclude that the submitted information is excepted from disclosure under section 552.110 of the Government Code. *See* Open Records Decision Nos. 639 at 4 (1996) (to prevent disclosure of commercial or financial information, party must show by

specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure), 552 at 5 (1990) (party must establish prima facie case that information is trade secret), 542 at 3 (1990). The submitted documents must, therefore, 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "June B. Harden".

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 124437

encl. Submitted documents

cc: Mr. Benito Flores-Meath  
901 Val Verde Drive  
College Station, Texas 77845-5125  
(w/o enclosures)