



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 18, 2009

Ms. Ashley R. Allen  
Staff Attorney  
Administrative Law Section  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711-2873

OR2009-03525

Dear Ms. Allen:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 337608.

The Texas General Land Office (the "GLO") received a request for information pertaining to all current permit holders for state-owned coastal cabins, including the permit holders' names, addresses of the cabins, annual cost of the permits, square footage of the cabins, any overdue permit balances, and information pertaining to any transferred permits since a specified date. You state you have released most of the requested information. Although the GLO takes no position on whether the information at issue is excepted from disclosure, you state its release may implicate the proprietary or privacy rights of certain third parties. Accordingly, you inform us, and provide documentation showing, you notified twenty-two named permit holders of the request and of their rights to submit arguments as to why the information at issue should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure in certain circumstances). We have reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any arguments

from any of the named permit holders. We thus have no basis for concluding the information at issue is proprietary information, and the GLO may not withhold this information on that basis. See Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish prima facie case that information is trade secret), 542 at 3 (1990). Accordingly, because no arguments against disclosure of the information at issue have been raised, it must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Olivia A. Maceo  
Assistant Attorney General  
Open Records Division

OM/eb

Ref: ID# 337608

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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