



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 13, 2009

Ms. Marie A. Taylor
Assistant City Attorney
City of El Paso
2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901

OR2009-16154

Dear Ms. Taylor:

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# 362409.

The City of El Paso (the "city") received a request for information related to a request for proposals pertaining to funding of Empowerment Zone projects. You state that some responsive information has been released to the requestor. Although you raise no exceptions to disclosure on behalf of the city, you state that release of the remaining requested information may implicate the proprietary interests of third parties. Thus, pursuant to section 552.305 of the Government Code, you have notified El Puente Community Development Corporation ("El Puente") and Centro del Fronterizo, Inc. d/b/a La Mujer Obrera ("Centro") of the request and of their right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *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 under certain circumstances). We have received comments from El Puente and have reviewed the submitted information.

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 that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, El Puente and Centro have not

submitted any comments to this office explaining how release of the information at issue would affect either company's proprietary interests.¹ Accordingly, none of the information pertaining to these companies may be withheld on that basis. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating that business enterprise that claims exception for commercial or financial information under section 552.110(b) must show by specific factual evidence 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). As the city makes no arguments regarding this information, it must be released to the requestor.

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, 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, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 362409

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹El Puente states that it "would prefer that [the requested information] not be released[.]" but raises no exception to disclosure.

Ms. Cindy Arnold
Executive Director
El Puente Community Development Corporation
2000 Texas Avenue
El Paso, Texas 79901
(w/o enclosures)

Ms. Irma Montoya
Executive Director
Centro del Obrero Fronterizo, Inc.
d/b/a La Mujer Obrera
2000 Texas Avenue
El Paso, Texas 79901
(w/o enclosures)