



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

December 21, 2009

Ms. Evelyn Njuguna  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2009-18051

Dear Ms. Njuguna:

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# 365203.

The City of Houston (the "city") received a request for information pertaining to A Caring Safe Place, Inc. ("Safe Place"), AIDS Foundation Houston, Inc. ("AFH"), and the William A. Lawson Institute for Peace and Prosperity ("WALIPP") for fiscal year 2008. Although you take no position as to whether the submitted information is excepted under the Act, you state that release of this information may implicate the proprietary interests of third parties. Accordingly, you state, and provide documentation showing, you notified Safe Place, AFH, and WALIPP of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code* § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

Initially, we note the requestor has excluded from his request: (1) the HIV status of any individual; (2) social security numbers; (3) e-mail addresses; (4) information pertaining to competition, bidding, trade secrets, or commercial or financial information subject to section 552.110 of the Government Code; (5) geological or geophysical information; (6) information subject to sections 552.103, 552.107, 552.128 of the Government Code; (7) economic development information; (8) bank account numbers; (9) motor vehicle

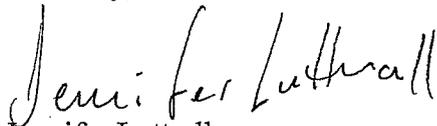
records; (10) corrections and prosecutorial information; (11) audit working papers; (12) agency memoranda; (13) personnel information; (14) personal family information; and (15) legislative documents. Therefore, any such information within the submitted documents is not responsive to the present request for information. The city need not release nonresponsive information in response to this request, and this ruling will not address that information.

Next, we note that 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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from Safe Place, AFH, or WALIPP explaining why each third party's submitted information should not be released. Therefore, we have no basis to conclude that these third parties have a protected proprietary interest in the submitted information. *See id.* § 552.110; 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. Accordingly, the city may not withhold any portion of the submitted information based upon the proprietary interests of Safe Place, AFH, or WALIPP. As no exceptions to disclosure have been raised, the submitted information 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, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/dls

Ref: ID# 365203

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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