



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 15, 2011

Mr. Justin Gordon  
Assistant General Counsel  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711

OR2011-10119

Dear Mr. Gordon:

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# 427140 (OOG# 217-11).

The Office of the Governor (the "governor") received a request for communications between Albany Engineered Composites, Inc. ("Albany") and the governor relating to Albany's termination of the Texas Enterprise Fund agreement and documents showing complete restitution of the fund balance. You state the governor is redacting a bank account and bank routing number under section 552.136 of the Government Code pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> The governor takes no position on whether the submitted information is excepted from disclosure. You state release of the submitted information may implicate the proprietary interests of Albany. Accordingly, you inform us you have notified Albany of the request and of its right to submit arguments to this office explaining why the submitted information should not be released. *See* Gov't Code § 552.305 (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 statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception 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 that party should be withheld from disclosure. *See*

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<sup>1</sup>This office issued Open Record Decision No. 684, a previous determination to all governmental bodies, which authorizes the withholding of ten categories of information, including a bank account and bank routing number under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

Gov't Code § 552.305(d)(2)(B). As of the date of this letter, Albany has not submitted any comments to this office explaining how release of the submitted information would affect its proprietary interests. Accordingly, none of the information at issue may be withheld on the basis of the proprietary interests of Albany. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating business enterprise claiming exception for commercial or financial information under section 552.110(b) must show by specific factual evidence release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret). As no exceptions to its disclosure are raised, the governor must release the submitted information.

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,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/em

Ref: ID# 427140

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)