



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 25, 2012

Ms. Jordan Hale  
Assistant Attorney General  
Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2012-17109

Dear Ms. Hale:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 468905 (PIR No. 12-34091).

The Office of the Attorney General (the "OAG") received a request for a named person's deposition given in cause number 11-CV-1464. The OAG released some information and takes no position as to disclosure of the remaining information.<sup>1</sup> Because release of the remaining information may implicate the proprietary interests of Max Bowen and Bowen Enterprises and Juan Hijo Investments, Ltd., the OAG notified the third parties of the request and of their right to submit arguments to this office as to why their information should not be released. Gov't Code § 552.305(d) (permitting third party with proprietary interest to submit to attorney general reasons why requested information should not be released).

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. *Id.* § 552.305(d)(2)(B). As of the date of this letter, the third parties have not submitted

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<sup>1</sup>The OAG states it will redact access device numbers and private-email addresses pursuant to sections 552.136 and 552.137 of the Government Code, respectively. *See* Gov't Code § 552.136(c)-(e) (procedures permitting governmental body to redact access device numbers without necessity of requesting decision from this office); Open Records Decision No. 684 (2009) (previous determination to all governmental bodies authorizing withholding of several categories of information, including e-mail addresses of members of public under section 552.137, without necessity of requesting attorney general decision).

arguments to this office explaining why their information should not be released. We thus have no basis to conclude release of the information will harm the third parties' proprietary interests. *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 (1990). Accordingly, the OAG may not withhold the information based on any proprietary interests the third parties may have, and the OAG must release the 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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 468905

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

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