



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 28, 2013

Ms. Lisa K. Hargrove
General Counsel
Houston First Corporation
P.O. Box 61469
Houston, Texas 77208

OR2013-11091

Dear Ms. Hargrove:

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# 491692.

The Houston First Corporation (the "corporation") received a request for a specified development agreement and finalized documents relating to the financing of the acquisition of the development site, specified construction, and certain other improvements. Although you take no position regarding the public availability of the submitted information, you state release of the submitted information may implicate the proprietary interests of Hilton Worldwide. You inform us Hilton Worldwide was notified of this request for information and of its right to submit arguments as to why the requested information should not be released. *See* Gov't Code § 552.305 (permitting interested third parties 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.

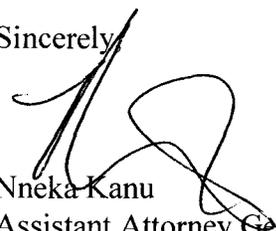
Initially, we note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Hilton Worldwide explaining why any portion of the submitted information should not be released. Therefore, we have no basis to conclude Hilton Worldwide has a protected proprietary interest in the submitted information. *See* Open Records Decision

Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, third 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 corporation may not withhold any of the submitted information on the basis of any proprietary interest Hilton Worldwide may have in it. As no exceptions to disclosure have been raised for the submitted information, 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, 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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 491692

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Lisa Zemke
Director
Owner Relations & Management Contract Services
Hilton Worldwide
7930 Jones Branch Drive
McLean, Virginia 22012
(w/o enclosures)