



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 11, 2014

Mr. Frank J. Garza
Counsel for the City of Kyle
Davidson, Troilo, Ream & Garza, P.C.
7550 West Interstate 10, Suite 800
San Antonio, Texas 78229

OR2014-04130

Dear Mr. Garza:

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# 516656.

The City of Kyle (the "city"), which you represent, received a request for all papers submitted to the city by the Kyle Chamber of Commerce (the "chamber") in a specified year and a copy of the chamber's tourism plan. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.131 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.131 of the Government Code relates to economic development information and provides in part:

(a) Information is excepted from [required public disclosure] if the information relates to economic development negotiations involving a governmental body and a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and the information relates to:

...

(2) commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

(b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted from [required public disclosure].

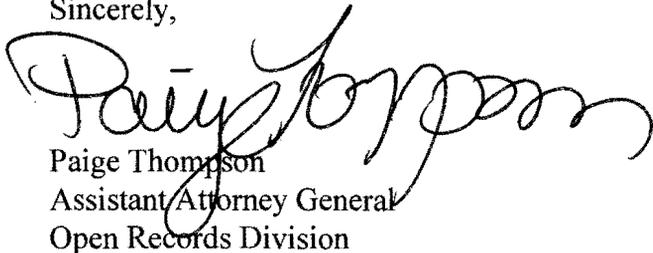
Gov't Code § 552.131(a)(2), (b). Section 552.131(a) only protects the proprietary interests of third parties that have provided information to governmental bodies, not the interests of governmental bodies themselves. In this instance, there has been no demonstration by a third party that release of any of the submitted information would cause a third party substantial competitive harm. We, therefore, conclude the city may not withhold any of the submitted information under section 552.131(a).

Section 552.131(b) of the Government Code protects information about a financial or other incentive that is being offered to a business prospect by a governmental body or another person. You inform us the city is competing against other cities for a potential business and the developer wishes to keep the name of the business confidential. You state if the name of the business is released, other cities may attempt to contact and lure away the business. Upon review, we find you have not demonstrated how any portion of the submitted information reveals financial or other incentives that are being offered to a business prospect. Thus, we conclude, the city may not withhold any of the submitted information under section 552.131(b) of the Government Code. As you raise no other exceptions to disclosure, 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 516656

Enc. Submitted documents

c: Requestor
(w/o enclosures)