



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 8, 2014

Ms. Rebecca Bailey Weimer
For the Texas City Independent School District
Thompson and Horton, LLP
Phoenix Tower, Suite 2000
3200 Southwest Freeway
Houston, Texas 77027-7528

OR2014-13823

Dear Ms. Weimer:

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# 532618.

The Texas City Independent School District (the "district"), which you represent, received a request for all communications with Jilin Connell Chemical Industry, LLC ("JCC") or its agents during a specified time period. You claim the submitted information is excepted from disclosure under section 552.131 of the Government Code. You also state release of the submitted information may implicate the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, you notified JCC and the Galveston County Economic Alliance of the request and of their right to submit comments to this office as to why the submitted information should not be released to the requestor. *See Gov't Code* § 552.305(d); *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 to disclosure under Act in certain

circumstances). We have considered the exception you claim and reviewed the submitted information.

Section 552.131 relates to economic development information and provides in part:

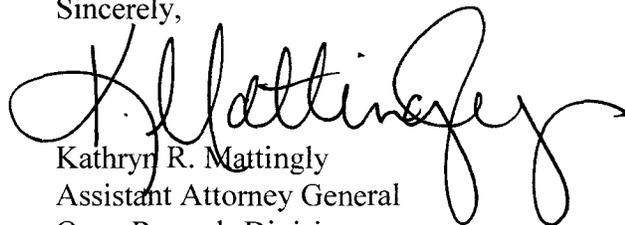
(b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted from [required public disclosure].

Gov't Code § 552.131(b). Section 552.131(b) protects information about a financial or other incentive that is being offered to a business prospect by a governmental body or another person. *See id.* § 552.131(b). Section 552.131(b) protects the interests of governmental bodies, not third parties. You state the submitted information pertains to active negotiations between the district and JCC regarding the location of a potential production and export project. The submitted reveals incentives offered to JCC. Thus, you argue the information at issue contains economic development information that the district is using in its negotiations. Upon review, we find the district has demonstrated the applicability of section 552.131(b) to the information at issue. Therefore, the district may withhold the submitted information under section 552.131(b) of the Government Code.

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,



Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/bhf

Ref: ID# 532618

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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