



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 31, 1996

Ms. Suzanne Schwartz
General Counsel
Texas Water Development Board
P. O. Box 13231
Austin, Texas 78711-3231

OR96-0861

Dear Ms. Schwartz:

You have asked whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 39571.

The Texas Water Development Board (the "board") received a request for copies of water use surveys completed by industrial water users. You state that the survey information "relates to certain manufacturing processes which are highly confidential and subject to security efforts by the companies" being surveyed. You contend that the information at issue thus may be excepted from disclosure under section 552.110 of the Government Code.

Section 552.110 protects the property interests of private persons by excepting from required public disclosure two types of information: (1) trade secrets, and (2) commercial or financial information that is obtained from a person and made privileged or confidential by statute or judicial decision. *See* Open Records Decision Nos. 639 (1996), 554 (1990), 552 (1990). As provided by section 552.305 of the Government Code, this office notified surveyed water users of the request for information and solicited arguments in support of your assertion that the information at issue is confidential. However, the third parties submitted no argument in regard to these materials.

When the governmental body and the third parties fail to provide relevant information to establish that the information at issue contains trade secrets or that it is protected commercial or financial information, this office cannot conclude that section 552.110 is applicable. Open Records Decision Nos. 639 (1996); 402 (1983). Thus, since neither you nor the third parties provided information sufficient to show the applicability of section 552.110 to the information at issue, the surveys must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 39571

Enclosures: Submitted documents

cc: Ms. Lisa Vyvjala
Advanced Micro Devices
5204 Ben White Blvd.
Austin, Texas 78741
(w/o enclosures)