



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 16, 2009

Ms. Ashley R. Allen  
Administrative Law Section  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711-2873

OR2009-00682

Dear Ms. Allen:

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# 332798.

The Texas General Land Office (the "GLO") received a request for four categories of information related to bilge water reclamation facilities. Although GLO raises no exception to disclosure on its own behalf, you claim that the release of the submitted information may affect the proprietary interests of the interested third parties, American Process Technology, Inc. ("Amprotec") and Western Seafood Company ("Western Seafood"). Pursuant to section 552.305 of the Government Code, you state that you notified these third parties of the request and of their right to submit arguments to this office as to why the information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that 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 reviewed the submitted information.

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 requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has received no comments from

either of the third parties explaining why their submitted information should not be released. Therefore, these companies have failed to provide us with any basis to conclude that they have protected proprietary interests in any of the submitted information. See 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. Accordingly, we conclude that the GLO may not withhold any portion of the submitted information on the basis of any proprietary interest Amprotech or Western Seafood may have in the information.

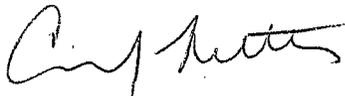
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We note that the submitted information contains insurance policy numbers. Section 552.136 of the Government Code states that “[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.”<sup>1</sup> Gov’t Code § 552.136. Accordingly, the GLO must withhold the insurance policy numbers we have marked under section 552.136. The remaining information must be released to the requestor.

This letter ruling is limited to the particular records 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 records 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 at (512) 475-2497.

Sincerely,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/jb

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<sup>1</sup>This office will raise a mandatory exception like section 552.136 on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 332798

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Gene Vincent  
American Process Technology, Inc.

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~~P.O. Box 680747~~  
Houston, Texas 77268  
(w/o enclosures)

Mr. Patrick Riley  
Western Seafood Company  
P.O. Box 2077  
Freeport, Texas 77541  
(w/o enclosures)