



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 14, 2009

Mr. Juan J. Cruz
Escamilla & Poneck, Inc.
Counsel for Workforce Solutions of South Texas
216 West Village Boulevard, Suite 202
Laredo, Texas 78041

OR2009-06551

Dear Mr. Cruz:

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# 343389.

Workforce Solutions for South Texas (the "workforce"), which you represent, received a request for responses submitted by Arbor E&T, L.L.C. ("Arbor") from October 1, 2005 to the present. Although you believe that the requested information may be excepted from disclosure under sections 552.101, 552.110, and 552.131 of the Government Code, you take no position with respect to the applicability of these exceptions. Instead, you indicate the workforce notified Arbor of this request for information and its 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) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the 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, we have not received any arguments from Arbor. We thus have no basis for concluding that any portion of Arbor's information constitutes proprietary 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. Consequently, the submitted information must be released to the requestor.

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 at (512) 475-2497.

Sincerely,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/rl

Ref: ID# 343389

Enc. Submitted documents

cc: Requestor
(w/o enclosures)
