



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 20, 2009

Ms. Ashley D. Fourt  
Assistant District Attorney  
Tarrant County  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR2009-11729

Dear Ms. Fourt:

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# 353248.

The Tarrant County District Attorney's Office (the "district attorney") received a request for correspondence between specified entities and individuals during a specified period of time pertaining to the purchase of nine specified homes. You state that you have provided some of the requested information to the requestor.<sup>1</sup> You take no position with respect to the public availability of the remaining requested information, but believe that the request may implicate the proprietary interests of the Tarrant County Housing Partnership, Inc. ("Tarrant County Housing"). Accordingly, you state, and provide documentation showing, that you notified Tarrant County Housing of the request and of its right to submit arguments to this office as to why the information at issue 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 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 information relating to that party should be withheld from public disclosure. *See Gov't Code § 552.305(d)(2)(B)*. As of the date of this letter, Tarrant County Housing has not submitted to this office any reasons explaining why its information should not be released. Thus, we

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<sup>1</sup>You indicate that the requestor agreed to exclude social security numbers and bank account numbers from the request. *See Gov't Code § 552.222* (governmental body may communicate with requestor for purpose of clarifying or narrowing request). Accordingly, any such information is not responsive to the request and need not be released to the requestor

have no basis for concluding that any portion of the requested information constitutes proprietary information, and none of it may be withheld on that basis. *See e.g.*, Gov't Code § 552.110; 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 (1990). Accordingly, we conclude that none of the submitted information may be withheld based on the proprietary interest of Tarrant County Housing. As no exceptions to disclosure have been raised, 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.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,



Paige Savoie  
Assistant Attorney General  
Open Records Division

PS/eeg

Ref: ID# 353248

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

cc: Ms. Donna VanNess  
Tarrant County Housing Partnership, Inc.  
603 West Magnolia, Suite 207  
Fort Worth, Texas 76104  
(w/o enclosures)