



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 10, 2013

Mr. Frank J. Garza
General Counsel for the Brooks Development Authority
Davidson, Troilo, Ream & Garza, PC
7550 West Interstate 10, Suite 800
San Antonio, Texas 78229-5815

OR2013-21413

Dear Mr. Garza:

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# 509307.

The Brooks Development Authority (the "authority"), which you represent, received a request for the information that was provided to the University of the Incarnate Word ("UIW") for the feasibility study in relation to the selection of a location for a medical school. You claim the submitted information is excepted from disclosure under section 552.131 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.131 of the Government Code relates to economic development information and provides in part:

- (a) Information is excepted from [required public disclosure] if the information relates to economic development negotiations involving a governmental body and a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and the information relates to:

(1) a trade secret of the business prospect; or

(2) commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

(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(a)-(b). Section 552.131(a) only protects the proprietary interests of third parties that have provided information to governmental bodies, not the interests of governmental bodies themselves. In this instance, there has been no demonstration by a third party that any of the information at issue constitutes a trade secret or that release of any of the information at issue would cause a third party substantial competitive harm. We, therefore, conclude the authority may not withhold any of the submitted information under section 552.131(a).

Section 552.131(b) of the Government Code protects information about a financial or other incentive that is being offered to a business prospect by a governmental body or another person. You inform us the authority is competing against three other locations for the UIW medical school. You assert the information at issue contains incentives the authority is offering in order to be the successful bidding entity for the medical school. Upon review, we find the information we have marked consists of information about a financial or other incentive being offered to a business prospect. Thus, the authority may withhold the information we have marked under section 552.131(b). However, you have failed to demonstrate any of the remaining information consists of information about a financial or other incentive being offered to a business prospect. Consequently, no portion of the remaining information may be withheld under section 552.131(b). Accordingly, as you raise no further exceptions to disclosure, the remaining 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.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,

A handwritten signature in black ink, appearing to read 'K. Mattingly', written in a cursive style.

Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/bhf

Ref: ID# 509307

Enc. Submitted documents

c: Requestor
(w/o enclosures)