



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 25, 2014

Mr. Chris Sterner and Mr. Justin Gordon
Assistant General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR2014-15002

Dear Mr. Sterner and Mr. Gordon:

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# 534095 (OOG ID No. 165-14).

The Office of the Governor (the "governor's office") received a request for information pertaining to Toyota Motor North America, Inc. ("Toyota"). You state the governor's office is releasing some of the requested information. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.104, 552.107, and 552.111 of the Government Code. Additionally, you state release of the submitted information may implicate the proprietary interests of Toyota. Accordingly, you state you notified Toyota of the request for information 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) (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 received comments from an attorney on behalf of Toyota. We have considered the submitted arguments and reviewed the submitted information, a portion of which consists of a representative sample.¹

¹We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We note the submitted information was the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2014-11906 (2014) and 2014-14532 (2014). In Open Records Letter No. 2014-11906, we concluded the governor's office may withhold the submitted information under section 552.104 of the Government Code. In Open Records Letter No. 2014-14532 we determined the governor's office must withhold certain information under (1) section 552.101 of the Government Code in conjunction with section 6103(a) of title 26 of the United States Code, (2) section 552.101 of the Government Code in conjunction with section 301.081 of the Labor Code, (3) section 552.110(b) of the Government Code, and (4) section 552.136 of the Government Code, and must release the remaining information. There is no indication the law, facts, and circumstances on which the prior rulings were based have changed. Accordingly, we conclude the governor's office may continue to rely on Open Records Letter No. 2014-11906 and must continue to rely on Open Records Letter No. 2014-14532 as previous determinations and withhold or release the submitted information in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure).²

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

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²As our ruling is dispositive of the submitted information, we need not address the submitted arguments against disclosure.

Ref: ID# 534095

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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