



February 9, 2015

Mr. Ray Rodriguez
Assistant City Attorney
Office of the City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

OR2015-02454

Dear Mr. Rodriguez:

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# 552922.

The City of San Antonio (the "city") received a request for the semi-annual or quarterly reports submitted to the Economic and Community Development Department or the San Antonio Economic Development Corporation (the "corporation") by certain named businesses. Although you take no position with respect to the public availability of the requested information, you state the proprietary interests of certain third parties might be implicated. Accordingly, you notified the corporation of the request and of its right to submit arguments to this office explaining why the requested information should not be released. The corporation has informed this office it takes no position with respect to the requested information; but it, in turn, notified InCube Labs ("InCube"); Innovative Trauma Care ("ITC"); StemBioSys, Inc. ("SBS"); and the University of Texas Health Science Center at San Antonio (the "university") of the request and their right to submit comments to this office. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

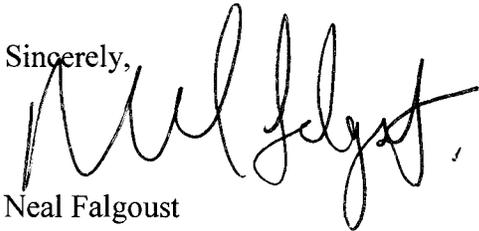
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from InCube, ITC, SBS, or the university. Thus, none

of these parties has demonstrated it has a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)–(b); 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, the city may not withhold the submitted information on the basis of any proprietary interests InCube, ITC, SBS, or the university may have in the information. As you raise no exceptions to disclosure, the city must release the submitted information in its entirety.

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/bhf

Ref: ID# 552922

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Joseph P. Brennan
President and CEO
Innovative Trauma Care
3463 Magic Drive, Suite 120
San Antonio, Texas 78229
(w/o enclosures)

Mr. Mir Imran
Chairman and CEO
InCube Labs
12500 Network Boulevard, Suite 112
San Antonio, Texas 78249
(w/o enclosures)

Mr. Bob Hutchens
President & CEO
StemBioSys
Suite 105
12500 Network Boulevard
San Antonio, Texas 78249
(w/o enclosures)

Mr. Michael E. Black
Senior Executive VP and COO
President's Office
University of Texas Health Science Center
7703 Floyd Curl Drive
San Antonio, Texas 78229
(w/o enclosures)