



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 9, 2015

Mr. Matthew L. Butler
Boyle & Lowry, L.L.P.
4201 Wingren Drive, Suite 108
Irving, Texas 75062

OR2015-04427

Dear Mr. Butler:

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# 555718.

The Dallas County Utility and Reclamation District (the "district"), which you represent, received a request for a copy of the district's settlement with UBS Financial Services, Inc. ("UBS"), "a copy of any record, receipt or bookkeeping document showing the amount of the settlement, or just the numerical amount of the settlement itself." Although you take no position as to whether the submitted information is excepted under the Act, you state release of the information may implicate the proprietary interests of UBS. Accordingly, you state, and provide documentation showing, you notified UBS of the request for information and of its right to submit arguments to this office as to why the submitted 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 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 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 ruling, we have not received comments from UBS explaining why its information should not

be released. Thus, we have no basis to conclude UBS has a protected proprietary interest in 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 district may not withhold any of the submitted information on the basis of any proprietary interest UBS may have in the information.

We note some of the submitted information is subject to section 552.136 of the Government Code.¹ Section 552.136(b) states “Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b). Accordingly, we find the district must withhold the bank account and wire transfer numbers we have marked under section 552.136(b) of the Government Code. The district must release the remaining information.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470.

Ref: ID# 555718

Enc. Submitted documents

c: Requestor
(w/o enclosures)

UBS Financial Services, Inc.
c/o Mr. Jonathan K. Youngwood
Simpson, Thacher & Bartlett, L.L.P.
425 Lexington Avenue
New York, New York 10017
(w/o enclosures)