



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 30, 2015

Mr. Gary B. Lawson
Counsel for the Greater Irving Las Colinas Chamber of Commerce
Strasburger & Price, LLP
901 Main Street, Suite 4400
Dallas, Texas 75202-3794

OR2015-05994

Dear Mr. Lawson:

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# 560993.

The Greater Irving Las Colinas Chamber of Commerce (the "chamber of commerce"), which you represent, received a request for the suite lease agreement with Cowboys Stadium, L.P. ("Cowboys Stadium"). The chamber of commerce claims some of the submitted information is excepted from disclosure under section 552.136 of the Government Code.¹ The chamber of commerce does not take a position as to whether the remaining information is excepted from disclosure under the Act. However, the chamber of commerce states, and provides documentation showing, it notified Cowboys Stadium of the chamber of commerce's receipt of the request for information and of Cowboys Stadium's right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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 considered the claimed exception and 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

¹We understand you to raise section 552.136 based on your markings.

requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, Cowboys Stadium has not submitted to this office any reasons explaining why the requested information should not be released. Thus, we have no basis for concluding the submitted information constitutes proprietary information of that third party, and the chamber of commerce may not withhold any portion of it on that basis. *See* 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.

Section 552.136 of the Government Code provides the following:

(a) In this section, "access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to:

- (1) obtain money, goods, services, or another thing of value; or
- (2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) 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. The chamber of commerce seeks to withhold the suite number in the suite lease agreement under section 552.136. However, the chamber of commerce has not explained how this number consists of an access device number used to obtain money, goods, services, or any item of value, or used to initiate the transfer of funds. *See id.* §§ 552.136(a), .301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies). Therefore, the chamber of commerce has failed to demonstrate the applicability of section 552.136 to this information, and it may not withhold it from release on that ground. Accordingly, the chamber of commerce must release the submitted information to the requestor.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 560993

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Josh Cohen
General Counsel
Cowboys Stadium, L.P.
Dallas Cowboys Football Club
One AT&T Way
Arlington, Texas 76011
(w/o enclosures)