



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 10, 2015

Ms. Lacie Hale
City Secretary
City of West Lake Hills
911 Westlake Drive
West Lake Hills, Texas 78746-4509

OR2015-06873

Dear Ms. Hale:

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# 559563.

The City of West Lake Hills (the "city") received a request for specified information pertaining to the home occupation permit for Ink It Labs, LLC ("Ink It Labs"). Although you do not take any position as to whether the submitted information is excepted from disclosure under the Act, you state, and provide documentation showing, you notified Ink It Labs 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 (permitting interested third party to submit to attorney general reasons why requested information should not be released); 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 received comments from Ink It Labs. We have reviewed the submitted information and considered the submitted arguments.

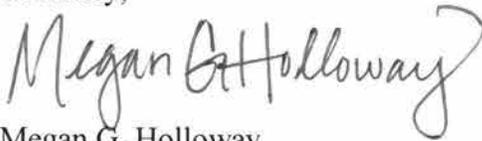
Section 552.110(b) of the Government Code protects "[c]ommercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]" Gov't Code § 552.110(b). This exception to disclosure requires a specific factual or evidentiary showing, not conclusory or generalized allegations, that substantial competitive injury would likely result from release of the information at issue. *Id.*; Open Records Decision No. 661 at 5-6 (1999) (business enterprise must show by specific factual evidence

that release of information would cause it substantial competitive harm). Upon review, we find Ink It Labs has demonstrated the submitted information constitutes commercial or financial information the release of which would cause Ink It Labs substantial competitive injury. Accordingly, the city must withhold the submitted information under section 552.110(b) of the Government Code.¹

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,



Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/bhf

Ref: ID# 559563

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Debra Moline
Ink It Labs LLC
901 Redbud Drive
West Lake Hills, Texas 78746
(w/o enclosures)

¹As our ruling is dispositive, we need not address the remaining argument against disclosure.