



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 16, 2015

Mr. W. Montgomery Meitler  
Senior Counsel  
Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR2015-14518

Dear Mr. Meitler:

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# 571740 (TEA PIR# 24335).

The Texas Education Agency (the "agency") received a request for all information pertaining to a specific driver safety course. The agency states it will release some information. Although the agency takes no position as to whether the submitted information is excepted under the Act, the agency states release of the information may implicate the proprietary interests of Driver Training Associates, Inc. ("DTA"). Accordingly, the agency states and provides documentation showing it notified DTA 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 DTA. We have considered the submitted arguments and reviewed the submitted information.

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.*; *see also* 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 DTA has demonstrated release of the information at issue would cause the company substantial competitive harm. Accordingly, the agency must withhold the submitted information under section 552.110(b) of the Government Code.<sup>1</sup>

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](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,



Rahat Huq  
Assistant Attorney General  
Open Records Division

RSH/som

Ref: ID# 571740

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Glen Winningham  
President  
Driver Training Associates, Inc.  
12920 Dairy Ashford Road, Suite 150  
Sugar Land, Texas 77478  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we need not address DTA's remaining argument against disclosure.