



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 5, 2016

Ms. Jordan Hale  
Public Information Coordinator  
Assistant General Counsel  
The Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711

OR2016-02834

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# 598254 (OOG ID# 15-480).

The Office of the Governor (the "governor's office") received a request for a copy of all applications to the Events Trust Fund, the Major Events Reimbursement Program, and the Motor Sports Racing Trust Fund during a specified time period, a list identifying every applicant to these programs that has been approved or granted during the specified time period, and a list identifying every applicant to these programs that has been denied or rejected during the specified time period. Although you take no position as to whether the submitted information is excepted under the Act, you state release of some of this information may implicate the proprietary interests of multiple third parties. Accordingly, you state you notified the third parties of the request for information and of their right to submit arguments to this office as to why their information should not be released.<sup>1</sup> See Gov't Code §§ 552.304 (interested third party may submit comments stating why information should or should not be released), .305(d) (permitting interested third party to

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<sup>1</sup>The third parties at issue are: the City of Arlington, the City of Austin, the Dallas Convention and Visitors Bureau, the City of Fort Worth, the Frisco Convention and Visitors Bureau, the Harris County – Houston Sports Authority, the City of Irving ("Irving"), the Lubbock Economic Development Alliance, the City of San Antonio, the San Antonio Convention and Visitors Bureau, and Winstead, P.C.

submit to attorney general reasons why requested information should not be released); *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 Irving. We have reviewed the submitted information.

We note 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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). Irving informs this office it does not object to the release of its information. As of the date of this letter, we have not received arguments from any of the remaining third parties. Therefore, we have no basis to conclude any of the third parties at issue have a protected proprietary interest in the submitted information. *See id.* § 552.110; 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 governor's office may not withhold any of the submitted information on the basis of any proprietary interests the third parties may have in the information. As no exceptions to disclosure have been raised, the governor's office must release the submitted 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](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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/bhf

Ref: ID# 598254

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Parties  
(w/o enclosures)