



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 26, 2019

Mr. Matthew Crouch
Legal Counsel
Harris County
P.O. Box 920975
Houston, Texas 77292-0975

OR2019-11084

Dear Mr. Crouch:

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# 762369 (HCAD Ref. No. 19-1504).

The Harris County Appraisal District (the "district") received a request for information pertaining to a specified account. You claim some of the submitted information is excepted from disclosure under section 552.130 of the Government Code. Additionally, you state release of this information may implicate the proprietary interests of InfoNation, Inc. ("InfoNation"). Accordingly, you state, and provide documentation showing, you notified InfoNation 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 considered the exception you claim and reviewed the submitted information.

Initially, 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) of the Government Code 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). As of the date of this letter, we have not received comments from InfoNation explaining why the submitted information should not be released. Therefore, we have no basis to conclude InfoNation has 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 district may not withhold any portion of the submitted information related to InfoNation on the basis of any proprietary interest it may have in the information.

Section 552.130 of the Government Code exempts from disclosure information that relates to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by this state or another state or country. Gov't Code § 552.130(a)(1), (2). You state the requestor has not provided the required authorization to establish a right of access to the information at issue. Accordingly, the district must withhold the motor vehicle record information you marked under section 552.130 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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/mo

Ref: ID# 762369

Enc. Submitted documents

c: Requestor
(w/o enclosures)