



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 2, 2019

Ms. Hadassah Schloss  
Director of Open Government  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711-2873

OR2019-33701

Dear Ms. Schloss:

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# 799243 (GLO ID# 20-0035).

The Texas General Land Office (the "GLO") received a request for information pertaining to a specified contract. The GLO states it released the majority of the requested information. Although the GLO takes no position as to whether the submitted information is excepted under the Act, the GLO states release of the submitted information may implicate the proprietary interests of Brizo Construction, LLC ("Brizo"). Accordingly, the GLO states, and provides documentation showing, it notified Brizo of the request for information and of the right to submit arguments to this office as to why the submitted information 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 received comments from Brizo. We have reviewed the submitted arguments and 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 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or

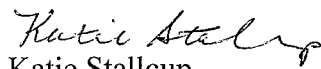
generalized allegations, that release of requested information would cause that party substantial competitive harm).

Brizo argues its financial assurance information consists of commercial or financial information the release of which would cause substantial competitive harm under section 552.110(b) of the Government Code. Upon review, we find Brizo has demonstrated the information at issue constitutes commercial or financial information, the release of which would cause substantial competitive injury. Accordingly, the GLO 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

  
Katie Stallcup  
Attorney  
Open Records Division

AKS/eb

Ref: ID# 799243

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

1 Third Party  
(w/o enclosures)

---

<sup>1</sup>As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.