



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 19, 2020

Ms. Skyler Shafer
Assistant General Counsel
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

OR2020-29088

Dear Ms. Shafer:

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# 854716 (Ref. Nos. 20-821, 20-824, 21-09-004, and 20-09-024).

The Texas Department of Agriculture (the "department") received four requests from different requestors for information pertaining to a specified application. You state the department will release some of the requested information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of Allied BioScience, Inc. ("Allied"). Accordingly, you state, and provide documentation showing, you notified the third parties of the requests for information and of their 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 have received comments from Allied. We have considered the submitted arguments and reviewed the submitted information.

Section 552.110(c) of the Government Code excepts from disclosure "commercial 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(c). Allied argues some of the submitted information consists of commercial or financial information subject to section 552.110(c). Upon review, we find Allied has demonstrated the information at issue, which we indicated, constitutes commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, the department must withhold the

information we indicated under section 552.110(c).¹ As no other exceptions to disclosure have been raised, the remaining information must be released.

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,

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/gw

Ref: ID# 854716

Enc. Submitted documents

c: 4 Requestors
(w/o enclosures)

Third Party
(w/o enclosures)

¹ As our ruling is dispositive for this information, we need not address the remaining arguments against its disclosure.