



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 30, 2020

Ms. Gladis Sanchez
Records Administrator
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571

OR2020-29698

Dear Ms. Sanchez:

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# 853289.

The City of La Porte (the "city") received a request for site plans for a specified address. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Catalyst Technical Group, Inc. ("Catalyst").¹ Accordingly, you state, and provide documentation showing, you notified Catalyst 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 arguments from Catalyst. We have considered the submitted arguments and reviewed the submitted information.

Although Catalyst generally objects to the release of the information at issue, we note Catalyst has not raised any specific exceptions to disclosure or otherwise adequately explained why the information should not be released. *See* Gov't Code § 552.3015(b), (d)(2)(B). Accordingly, we have no basis for finding Catalyst has a protected proprietary

¹ We asked the city to provide additional information pursuant to section 552.303 of the Government Code. *See* Gov't Code § 552.303(c)-(d) (if attorney general determines information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We have received and considered the correspondence sent by the city pursuant to that request.

interest in the submitted information. *See e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest Catalyst may have in the information. Therefore, the city 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 <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,

Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/gw

Ref: ID# 853289

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Third Party
(w/o enclosures)