



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 4, 2022

Mr. Anthony Paul  
Assistant District Attorney  
Denton County Criminal District Attorney's Office  
P.O. Box 2344  
Denton, Texas 76202

OR2022-12677

Dear Mr. Paul:

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# 945600 (PIR# 22-221).

Denton County (the "county") received a request for information pertaining to a specified contract. You state you have released some information. Although the county takes no position as to whether the submitted information is excepted under the Act, the county states release of the submitted information may implicate the proprietary interests of Howroyd-Wright Employment Agency Inc., dba Apple One Employment Services ("Apple One").<sup>1</sup> Accordingly, the county states, and provides documentation showing, it notified Apple One 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 have reviewed the submitted information.

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). As of the date of this letter, we have not received comments

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<sup>1</sup> Although the county cites sections 552.101, 552.111, and 552.153 of the Government Code in its brief, the county has not provided any arguments to support these exceptions. Therefore, we assume the county has withdrawn its claims these sections apply to the submitted information. *See* Gov't Code §§ 552.301, .302.

from Apple One explaining why the submitted information should not be released. Therefore, we have no basis to conclude Apple One has a protected proprietary 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 county may not withhold the submitted information on the basis of any proprietary interest Apple One may have in the information. As no exceptions to disclosure are raised, the submitted 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,

Colin Henry  
Attorney  
Open Records Division

CEH/jm

Ref: ID# 945600

Enc. Submitted documents

c: Requestor  
(w/o enclosures)