



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 17, 2022

Ms. Dylbia L. Jefferies Vega  
Attorney  
Cameron County Commissioners Court  
1100 East Monroe Street  
Brownsville, Texas 78520

OR2022-14150

Dear Ms. Vega:

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# 948558.

Cameron County (the "county") received two requests from the same requestor for specific e-mails and financial documents pertaining any tax abatements offered by the county. 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 Space Exploration Technologies Corporation ("SpaceX"). Accordingly, you state, and provide documentation showing, you notified this third party of the request for information and of its 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 SpaceX. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note SpaceX argues against the release of information that was not submitted by the county. This ruling does not address information that was not submitted by the county and is limited to the information the county has submitted for our review.<sup>1</sup> *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested).

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<sup>1</sup> As we are able to make this determination, we need not address SpaceX's arguments against disclosure of this information.

Section 552.110(c) of the Government Code states:

Except as provided by Section 552.0222, 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 is [excepted from required disclosure].

*Id.* § 552.110(c). SpaceX argues portions of the information at issue consists of commercial or financial information subject to section 552.110(c). Upon review, we find SpaceX has demonstrated some of the responsive information at issue constitutes commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, the county must withhold the information we marked under section 552.110(c) of the Government Code.<sup>2</sup> However, we find SpaceX has failed to provide specific factual evidence demonstrating the remaining information at issue constitutes commercial or financial information, the release of which would result in substantial competitive harm. Therefore, the county may not withhold any of the remaining information at issue under section 552.110 of the Government Code. As no further exceptions to disclosure have been raised for the remaining information, it 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,

Chase D. Young  
Assistant Attorney General  
Open Records Division

CDY/jxd

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<sup>2</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.

Ref: ID# 948558

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)