



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 2, 2022

Ms. Audra Gonzalez Welter
Assistant General Counsel
The University of Texas System
210 West 7th Street
Austin, Texas 78701-2903

OR2022-22758

Dear Ms. Welter:

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# 963456 (UT OGC# 206183).

The University of Texas System (the "system") received a request for specified lease agreements between the system and Space Exploration Technologies Corp. ("SpaceX"). The system claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. Additionally, the system states release of the submitted information may implicate the proprietary interests of SpaceX. Accordingly, the system states, and provides documentation showing, it notified SpaceX 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 reviewed the submitted information and the submitted arguments.

Section 552.110(c) of the Government Code states:

(c) 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].

Gov't Code § 552.110(c). Additionally, we note section 552.0222(b) lists certain types of information to which section 552.110 does not apply. *See id.* § 552.0222(b). SpaceX argues its information consists of commercial or financial information subject to section 552.110(c). Upon review, we find SpaceX has demonstrated portions of the information at issue constitute commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, with the exception of the information we have marked, the system must withhold the submitted information under section 552.110(c) of the Government Code.¹ However, we find the information we have marked is subject to section 552.0222(b) and may not be withheld on the basis of section 552.110(c), and the system must release it.

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,

Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/jm

Ref: ID# 963456

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)

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