



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 23, 2022

Ms. LeAnn M. Quinn
City Secretary
City of Cedar Park
450 Cypress Creek Road, Building One
Cedar Park, Texas 78613

OR2022-25379

Dear Ms. Quinn:

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# 966875 (Ref. No. CS22-319).

The City of Cedar Park (the "city") received a request for information pertaining to a specified solicitation. You state you will release some information. Although we understand you to 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 Bulletproof Solutions, Inc. ("Bulletproof"). Accordingly, you state, and provide documentation showing, you notified Bulletproof 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 Bulletproof. We have reviewed the submitted information and considered the submitted arguments.

Section 552.110(b) of the Government Code states, "information is [excepted from required disclosure] if it is demonstrated based on specific factual evidence that the information is a trade secret." *See* Gov't Code § 552.110(b). Section 552.110(a) defines a trade secret as all forms and types of information if:

- (1) the owner of the trade secret has taken reasonable measures under the circumstances to keep the information secret; and

(2) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.

Id. § 552.110(a). Bulletproof argues some of its information consists of trade secrets subject to section 552.110(b). Upon review, we find Bulletproof has demonstrated portions of the information at issue constitute trade secrets. Accordingly, to the extent Bulletproof's customer information is not made available to the public by Bulletproof, including but not limited to on its website or social media accounts, the city must withhold Bulletproof's customer information under 552.110(b). However, to the extent Bulletproof's customer information is made available to the public by Bulletproof, including but not limited to on its website or social media accounts, it may not be withheld on the basis of section 552.110(b). Additionally, we find Bulletproof has failed to provide specific factual evidence demonstrating any portion of the remaining information at issue is a trade secret. Therefore, the city may not withhold any of the remaining information at issue under section 552.110(b) of the Government Code. As no further exceptions to disclosure are raised, the city must release the remaining 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,

Colin Henry
Attorney
Open Records Division

CEH/mo

Ref: ID# 966875

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)