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ATTORNEY GENERAL OF TEXAS

August 24, 2022

Mr. Tim Tuggey
Counsel for Capital Area Metropolitan Planning Organization
Tim Tuggey Law
2904 Barton Skyway, No. 356
Austin, Texas 78746

OR2022-25561

Dear Mr. Tuggey:

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# 965836.

The Capital Area Metropolitan Planning Organization ("CAMPO"), which you represent, received a request for information related to The Boring Company ("TBC") and Gapped Bass during a specified time period and e-mail correspondence between CAMPO and a named individual. Although CAMPO takes no position regarding whether the submitted information is excepted from disclosure under the Act, CAMPO informs us its release may implicate the proprietary interests of TBC. Accordingly, CAMPO states, and provides documentation showing, it notified TBC of the request for information and of its right to submit arguments to this office. *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 TBC. We have considered the submitted arguments and reviewed the submitted information.

Section 552.110(c) of the Government Code excepts from disclosure "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[.]" Gov't Code § 552.110(c). TBC argues the information consists of commercial or financial information subject to section 552.110(c). Upon review, we find TBC has demonstrated the information at issue constitute commercial or financial information, the release of which would cause substantial competitive harm.

Therefore, CAMPO must withhold the submitted information under section 552.110(c) of the Government Code.¹

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,

Cesar Mata
Attorney
Open Records Division

CM/jm

Ref: ID# 965836

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.