



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2022

Mr. Albert E. Tovar
Via Metropolitan Transit
Office of General Counsel
123 North Medina
San Antonio, Texas 78207

OR2022-27514

Dear Mr. Tovar:

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# 971035.

VIA Metropolitan Transit ("VIA") received a request for information pertaining to a specified contract with MV Transportation, Inc. ("MV"). Although you take no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the proprietary interests of MV. Accordingly, you state, and provide documentation showing, you notified MV of the request and 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 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 from MV explaining why the remaining information at issue should not be released. Thus, we have no basis to conclude MV has a protected proprietary interest in the remaining information at issue. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Therefore, VIA may not withhold any portion of the submitted information on the basis of any proprietary interest MV may have in it and 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,

Paige Lay
Assistant Attorney General
Open Records Division

PL/jm

Ref: ID# 971035

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)