



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 26, 2022

Mr. Mark J. Schroeder  
Counsel for the City of Taylor  
Heil and Schroeder, P.C.  
P.O. Box 192  
Taylor, Texas 76574

OR2022-29669

Dear Mr. Schroeder:

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# 971403.

The City of Taylor (the "city"), which you represent, received a request for site plans for a particular location. Although the city takes no position as to whether the submitted information is excepted from disclosure under the Act, you state release of the submitted information may implicate the proprietary interests of Samsung Austin Semiconductor ("Samsung"). Accordingly, you state, and provide documentation showing, you notified Samsung 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 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We received comments from Samsung. 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). Samsung argues the submitted information consists of its commercial or financial information subject to section 552.110(c). Upon review, we find Samsung has demonstrated the submitted information constitutes commercial or financial information, the release of which would cause

substantial competitive harm. Accordingly, the city must withhold the submitted information under section 552.110(c) of the Government Code.<sup>1</sup>

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,

Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/mo

Ref: ID# 971403

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup> As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.