



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 29, 2022

Ms. Jacqueline E. Hojem  
Public Information Coordinator  
Metropolitan Transit Authority of Harris County  
P.O. Box 61429  
Houston, Texas 77208-1429

OR2022-30169

Dear Ms. Hojem:

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# 975561 (TPIA #2022-0448).

The Metropolitan Transit Authority of Harris County ("METRO") received a request for information pertaining to a specified request for proposal. METRO states it does not have information responsive to apportion of the requestor.<sup>1</sup> METRO also states it has released some information to the requestor. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of a third party. Accordingly, METRO states, and provides documentation showing, it notified HUB Retirement and Wealth Management ("HUB") 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 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 to submit its reasons, if any, as to why information relating to

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<sup>1</sup> **Error! Main Document Only.**The Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.— San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from HUB. Thus, we have no basis to conclude HUB has a protected proprietary interest in the submitted information. *See, e.g., id.* § 552.110 (requiring provision of specific factual evidence demonstrating applicability of exception). Accordingly, METRO may not withhold any of the submitted information on the basis of any proprietary interest HUB may have in the information. METRO must release the submitted 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,

Cesar Mata  
Attorney  
Open Records Division

CM/jm

Ref: ID# 975561

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)