



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 15, 2022

Mr. Javier Villalobos
Counsel for the City of Progreso
Law Office of Villalobos, P.C.
5804 North 23rd Street
McAllen, Texas 78504

OR2022-39141

Dear Mr. Villalobos:

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# 990529.

The City of Donna (the "city"), which you represent, received a request for three categories of information pertaining to a particular project. You claim the submitted information is excepted from disclosure under sections 552.110 and 552.131 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note the city contends some of the submitted information is excepted under section 552.110 of the Government Code. However, that exception is designed to protect the interests of third parties, not the interests of a governmental body. *See* Gov't Code § 552.110 (excepting from disclosure "[a] trade secret obtained from a person and privileged or confidential by statute or judicial decision" and "[c]ommercial 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"). Therefore, we do not address your argument under section 552.110 of the Government Code.

Section 552.131(b) of the Government Code relates to economic development information and provides:

Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted from [required public disclosure].

Id. § 552.131(b). Section 552.131(b) of the Government Code protects information about a financial or other incentive that is being offered to a business prospect by a governmental body or another person. *Id.* § 552.131(b). Section 552.131(b) protects the interests of

governmental bodies, not third parties. We note the applicability of section 552.131 ends once the governmental body completes an agreement with the business prospect. *Id.* § 552.131(c). You state the submitted information contains information subject to section 552.131(b) of the Government Code. Upon review, we find you failed to demonstrate the information at issue reveals an incentive being offered by the city. Therefore, the city may not withhold any of the submitted information under section 552.131(b) of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.¹ *See id.* § 552.130. Accordingly, the city must withhold the visible license plates in the submitted information under section 552.130 of the Government Code.

In summary, the city must withhold the visible license plates in the submitted information under section 552.130 of the Government Code. 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,

Erin Groff
Assistant Attorney General
Open Records Division

EMG/pt

Ref: ID# 990529

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).