KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 10, 2025

Mr. Wayne Sorrels
Staff Attorney
Frisco Independent School District
5515 Ohio Drive
Frisco, Texas 75035

OR2025-036695

Dear Mr. Sorrels:

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# 25-032779 (District ID# 4667; W004667-062625).

The Frisco Independent School District (the "district") received a request for specified reports related to a specified district school. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of the National Student Clearinghouse ("NSC").[1] Accordingly, you state, and provide documentation showing, you notified NSC 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(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 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). NSC argues the submitted

[1] We note the district did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(e). Nonetheless, because the interests of third parties can provide a compelling reason to overcome the presumption of openness, we will consider whether the submitted information may be withheld under the Act. *See id.* §§ 552.007, .302, .352.

information consists of commercial or financial information subject to section 552.110(c). Upon review, we find NSC has demonstrated the information at issue constitutes commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, the district must withhold the submitted information under section 552.110(c) of the Government Code.[2]

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,

Tim Neal
Assistant Attorney General
Open Records Division

TN/jxd

Ref: ID# 25-032779

c: Requestor

Third Party

[2] As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.