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August 14, 2026

VIA EMAIL:

Julie Waters



RE: Julie Waters' Public Information Act request to the Bowie County Judge dated July 24, 2026, regarding NDAs

Dear Ms. Waters:

As you are aware, our office represents the Bowie County Judge in this matter. The Bowie County Judge received your request pursuant to the Public Information Act (the Act) on July 24, 2026. Specifically, you ask for "any and all non-disclosure agreements (NDAs), confidentiality agreements, memoranda of understanding containing confidentiality provisions, or similar agreements entered into by Bowie County that relate to any proposed, planned, under-construction, or existing data center project within Bowie County.

This request includes, but is not limited to, agreements involving:

- Data center developers, operators, or their representatives;
- Site selection consultants;
- Economic development organizations acting on behalf of a data center project;
- Utility providers or infrastructure partners when the agreements concern a data center project; and
- Any project that has been discussed or evaluated as a potential data center or digital infrastructure development.

If no such agreements exist, I respectfully request written confirmation that Bowie County has not entered into any such agreements."

The purpose of this letter is to notify you that there are certain exceptions to the Public Information Act that apply concerning the release of the requested information. The Bowie County Judge seeks to withhold the confidential information involving some of these documents pursuant to sections 552.101, 552.110, and 552.131 of the Texas Government Code.

SPECIAL NOTICE:

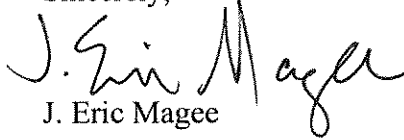
Also attached to this response is a copy of the Request for Opinion addressed to the Attorney General. The portions of the request that would tend to reveal the nature of the

August 14, 2026

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withheld information has been redacted to preserve the Bowie County Judge's invocation of privilege or exception. TEX. GOV'T CODE ANN. § 552.301(e-1).

Sincerely,



J. Eric Magee

JEM/jm

Enclosures

cc: Office of the Attorney General, State of Texas

TAB 1

From: Julie Waters <julie@freethethecaptiveshouston.com>

Sent: Friday, 24 July 2026 19:17:39

To: Bobby Howell <bobby.howell@bowiecounty.org>

Subject: Texas Public Information Act request: NDAs

July 24, 2026

The Honorable Bobby L. Howell
County Judge
710 James Bowie Drive
New Boston, TX 75570

Re: Request for Non-Disclosure Agreements Related to Data Center Projects

Dear Judge Howell:

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I respectfully request copies of any and all non-disclosure agreements (NDAs), confidentiality agreements, memoranda of understanding containing confidentiality provisions, or similar agreements entered into by Bowie County that relate to any proposed, planned, under-construction, or existing data center project within Bowie County.

This request includes, but is not limited to, agreements involving:

- Data center developers, operators, or their representatives;
- Site selection consultants;
- Economic development organizations acting on behalf of a data center project;
- Utility providers or infrastructure partners when the agreements concern a data center project; and
- Any project that has been discussed or evaluated as a potential data center or digital infrastructure development.

If no such agreements exist, I respectfully request written confirmation that Bowie County has not entered into any such agreements.

If any responsive records are withheld, please identify the specific legal exception under the Texas Public Information Act that you believe applies and provide any required notice or request for an Attorney General ruling, if applicable.

If there are costs associated with fulfilling this request that exceed \$40.00, please notify me before processing the request.

I prefer to receive the responsive records electronically by email to j.le.waters@gmail.com if available. My phone number is 832-461-5865.

Thank you for your attention to this request. I appreciate your assistance and look forward to your response within the time provided by the Texas Public Information Act.

Sincerely,

Julie Waters, JD

TAB 2

ALLISON, BASS & MAGEE, L.L.P.

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August 7, 2026

VIA EMAIL:

Julie Waters
julie@freethecaptiveshouston.com
j.le.waters@gmail.com

RE: Julie Waters's Public Information Act request to the Bowie County Judge dated July 24, 2026, regarding NDAs

Dear Ms. Waters:

Our office represents Bowie County in this matter. The Bowie County Judge received your request pursuant to the Public Information Act (the Act) on July 24, 2026. Specifically, you ask for "any and all non-disclosure agreements (NDAs), confidentiality agreements, memoranda of understanding containing confidentiality provisions, or similar agreements entered into by Bowie County that relate to any proposed, planned, under-construction, or existing data center project within Bowie County.

This request includes, but is not limited to, agreements involving:

- Data center developers, operators, or their representatives;
- Site selection consultants;
- Economic development organizations acting on behalf of a data center project;
- Utility providers or infrastructure partners when the agreements concern a data center project; and
- Any project that has been discussed or evaluated as a potential data center or digital infrastructure development.

If no such agreements exist, I respectfully request written confirmation that Bowie County has not entered into any such agreements."

The purpose of this letter is to timely provide you a response to your request. As you are probably aware, the Public Information Act requires that certain information remain confidential. In circumstances where such exclusions may apply, the governmental entity (Bowie County) is required to submit the documents to the Texas Attorney General for a confidentiality determination. Therefore, the requested documents are being withheld pursuant to those exceptions and are being submitted to the Texas Attorney General for a decision on whether the PIA requires that these documents be withheld. This process is not to interfere with governmental transparency but to protect confidential information that may not be disclosed without approval from the Attorney General.

August 7, 2026

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Specifically, section 552.101 of the Public Information Act provides for an exception to the disclosure of public records when information requested is confidential by law; section 552.110 which provides for the confidentiality of trade secrets and confidentiality of certain commercial or financial information; and section 552.131 which provides for an exception for the confidentiality of certain economic development information.

SPECIAL NOTICE(S):

The Bowie County Judge will forward its discussion of exceptions regarding the documents being withheld to the Attorney General within fifteen (15) business days from the date of the request. A copy will be forwarded to you at that time. The portions of the discussion that would tend to reveal the nature of withheld information will be redacted to preserve the invocation of privilege or exception. — TEX. GOVT. CODE ANN. § 552.301(d)(2).

Sincerely,


J. Eric Magee

JEM/jm

Enclosures

cc: Office of the Attorney General, State of Texas

TAB 3

[Documents Withheld]

TAB 4

[Documents Withheld]

TAB 5

DISCUSSION OF EXCEPTIONS TO DISCLOSURE UNDER THE TEXAS PUBLIC INFORMATION ACT

The public information request from Julie Waters asks for “any and all non-disclosure agreements (NDAs), confidentiality agreements, memoranda of understanding containing confidentiality provisions, or similar agreements entered into by Bowie County that relate to any proposed, planned, under-construction, or existing data center project within Bowie County.

This request includes, but is not limited to, agreements involving:

- Data center developers, operators, or their representatives;
- Site selection consultants;
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- Utility providers or infrastructure partners when the agreements concern a data center project; and
- Any project that has been discussed or evaluated as a potential data center or digital infrastructure development.

If no such agreements exist, I respectfully request written confirmation that Bowie County has not entered into any such agreements.”

The following request for Attorney General review and direction is made as the requested documents are protected from disclosure by the following statutory exceptions.

§ 552.101: Exception: Confidentiality by Law

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” TEX. GOV’T CODE ANN. § 552.101. Section 552.101 excepts information that has been held to be confidential under common law. Common law confidentiality protections must contain “highly intimate or embarrassing facts about a person’s private affairs such that its release would be highly objectionable to a reasonable person” or if the disclosure of such information would “be of no legitimate concern to the public.” *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

Specifically, Section 381.004 of the Texas Local Government Code provides that: “[t]o stimulate business and commercial activity in a county, the commissioners court of the county may develop and administer a program:

- (1) for state or local economic development;
- (2) for small or disadvantaged business development;
- (3) to stimulate, encourage, and develop business location and commercial activity in the county;
- (4) to promote or advertise the county and its vicinity or conduct a solicitation program to attract conventions, visitors, and businesses;
- (5) to improve the extent to which women and minority businesses are awarded county contracts;
- (6) to support comprehensive literacy programs for the benefit of county residents;
- or
- (7) for the encouragement, promotion, improvement, and application of the arts.”

Tex. Loc. Gov't Code §381.004(b). Additionally, "[t]he commissioners court may develop and administer a program authorized by Subsection (b) for entering into a tax abatement agreement with an owner or lessee of a property interest subject to ad valorem taxation." *Id.* at (g).

Further, Section 312.003 of the Texas Tax Government Code provides:

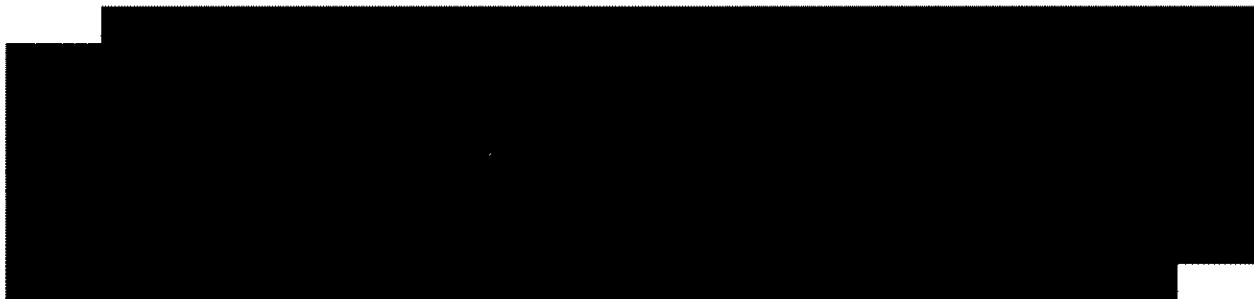
Information that is provided to a taxing unit in connection with an application or request for tax abatement under this chapter and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which tax abatement is sought is confidential and not subject to public disclosure until the tax abatement agreement is executed. That information in the custody of a taxing unit after the agreement is executed is not confidential under this section.

Tex. Tax Code Ann. § 312.003 (West).

[REDACTED]

[REDACTED]

[REDACTED]



For these reasons, the requested information should be withheld pursuant to Texas Government Code §552.101.

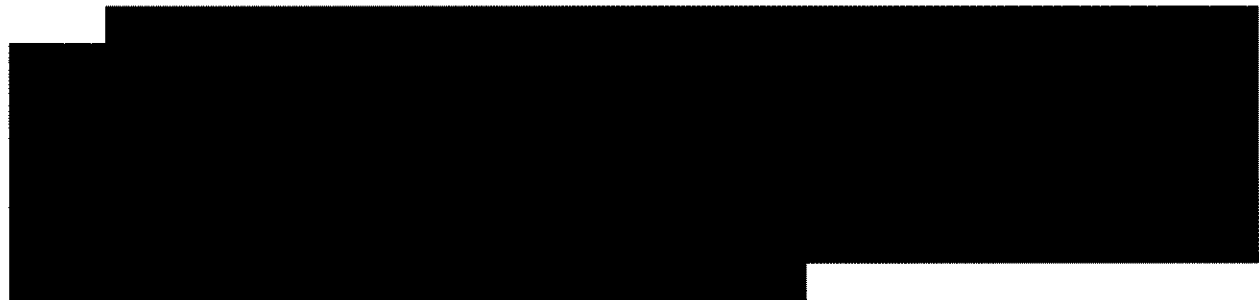
§ 552.110: Exception: Confidentiality of Trade Secrets and Confidentiality of Certain Commercial or Financial Information

The Act provides an exception for trade secrets and certain commercial or financial information that, if released, would cause substantial competitive harm to the party in which the information is requested. *See* GOV'T CODE § 552.110(a)–(b). Specifically, the Texas Government Code provides that

- (a) In this section, “trade secret” means all forms and types of information, including business, scientific, technical, economic, or engineering information, and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device, method, technique, process, procedure, financial data, or list of actual or potential customers or suppliers, whether tangible or intangible and whether or however stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if:

- (1) the owner of the trade secret has taken reasonable measures under the circumstances to keep the information secret; and
 - (2) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.
- (b) Except as provided by Section 552.0222, information is excepted from the requirements of Section 552.021 if it is demonstrated based on specific factual evidence that the information is a trade secret.
- (c) Except as provided by Section 552.0222, 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 is excepted from the requirements of Section 552.021.

Tex. Gov't Code Ann. § 552.110 (West).



§ 552.131: Exception: Confidentiality of Certain Economic Development Information

Section 552.131 provides an exception for

(a) Information is excepted from the requirements of Section 552.021 if the information relates to economic development negotiations involving a governmental body and a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and the information relates to:

- (1) a trade secret of the business prospect; or
- (2) 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.

(b) 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 the requirements of Section 552.021.

Tex. Gov't Code Ann. § 552.131 (West). This aspect of section 552.131 is co-extensive with section 552.110 of the Government Code. *See id.* § 552.110(a)-(c).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Therefore, the Bowie County Judge's Office asserts that the entirety of the responsive documents should be withheld pursuant to section 552.131 of the Texas Government Code.

The following index is an overview of the documents requested and the exception or privilege asserted, except where redaction is necessary to protect the asserted exception or privilege. Pursuant to section 552.301(e)(1)(d) of the Texas Government Code, a governmental body must submit "a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested;" therefore, the Bowie County Judge's Office is providing the documents requested, as well as this summary of the exceptions deemed applicable. The following index is offered:

	DESCRIPTION OF DOCUMENTS TO BE WITHHELD	BASIS OF EXCEPTION
Tab 1	Original Request	
Tab 2	Original Response to Requestor	
Tab 3	Copy of third party vendor notification letters	
Tab 4	Copy of all responsive information	§ 552.101 § 552.110 § 552.131
Tab 5	Legal rationale for withholding of documents	