



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 14, 2016

Mr. Eric D. Bentley
Associate General Counsel
University of Houston System
311 E Cullen Building
Houston, Texas 77204-2028

OR2016-25273

Dear Mr. Bentley:

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# 634217.

The University of Houston (the "university") received a request for records of communications between named individuals pertaining to the naming rights of a specified facility during a specified time period.¹ You claim the submitted information is excepted from disclosure under sections 552.104, 552.111, and 552.1235 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

Section 552.104 excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104. The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841

¹ You state the university sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

² We assume that the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(Tex. 2015). You state the university competes with other universities and other entities to obtain donations for funding. Thus, we understand the university has specific marketplace interests in the submitted information. You state the university relies on donations to fund the construction of facilities on its campus. Further, you assert disclosure of the submitted information would provide other universities and companies access to a list of all the donors with whom the university has cultivated relationships and the potential amounts each donor is willing to donate to the university. You claim release of the submitted information would be detrimental to the university's competitive advantage in seeking donations. After review of the information at issue and consideration of the arguments, we find the university has established the release of the submitted information would give advantage to a competitor or bidder. Accordingly, the university may withhold the submitted information under section 552.104(a).³

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 http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/akg

Ref: ID# 634217

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.