



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 13, 2017

Ms. Lisa K. Hargrove
Houston First Corporation
1001 Avenida de las Americas
Houston, Texas 77010

OR2017-03322

Dear Ms. Hargrove:

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# 647626.

The Houston First Corporation (the "corporation") received a request for all contractual agreements between the City of Houston (the "city") and the National Football League (the "NFL") from March 2013 to the present, the bid document submitted by the city to the NFL, and all documents on file with the corporation issued by the NFL since March 2013. You claim the submitted information is excepted from disclosure under sections 552.101, 552.104, and 552.110 of the Government Code. You state release of the submitted information may implicate the proprietary interests of the NFL and the Houston Super Bowl Host Committee (the "committee"). Accordingly, you state, and provide documentation showing, you notified the third parties of the request for information and of their 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 received comments from the NFL and the committee. We have also received and considered comments submitted by an attorney on behalf of the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

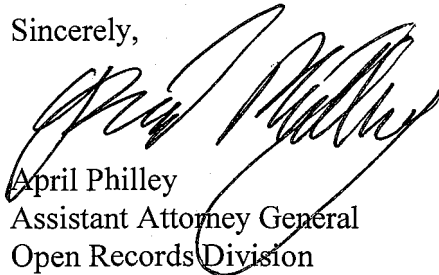
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). A private third party may invoke this exception. *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). The "test under section 552.104 is whether knowing another bidder's [or

competitor's information] would be an advantage, not whether it would be a decisive advantage." *Id.* at 841. The NFL states the submitted information contains detailed commercial and financial terms that relate to both the current event and future event contracts. We understand the NFL solicits bids for this event on a recurring basis. The NFL further states release of the submitted information would "harm the NFL's ability to conduct a truly competitive process that would result in each bidder putting forth their best bid possible." After review of the information at issue and consideration of the arguments, we find the NFL has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the corporation may withhold the submitted information under section 552.104(a) of the Government Code.¹

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,



April Philley
Assistant Attorney General
Open Records Division

AP/sb

Ref: ID# 647626

Enc. Submitted documents

c: Requestor
(w/o enclosures)

2 Third Parties
(w/o enclosures)

¹As our ruling is dispositive, we need not address remaining arguments against disclosure.