



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 29, 2017

Ms. Julie Hart
Vice President and Chief Financial Officer
Austin Convention and Visitor's Bureau
111 Congress, Suite 700
Austin, Texas 78701

OR2017-14611

Dear Ms. Hart:

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# 664859.

The Austin Convention and Visitors Bureau (the "bureau") received a request for seven categories of information. You inform us the bureau released some information. You claim some of the submitted information is excepted from disclosure under sections 552.104 and 552.110 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, you inform us by letter dated June 2, 2017, the bureau withdraws its request for a ruling regarding certain information responsive to categories four and five of the request. You explain the bureau has released this information to the requestor. Thus, this ruling does not address the public availability of this 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). 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 (Tex. 2015). The bureau states it "is competing against other

cities and states attempting to expand their convention and event business.” You state release of the information at issue would “substantially harm the [bureau] as its competitors use the information to undermine the [bureau’s] ability to successfully lure and maintain similar events[.]” You also state release of the information at issue would give the bureau’s competitors “an unfair advantage in pursuing and recruiting the [bureau’s] existing and potential employees in an effort to hinder the [bureau’s] growth and expansion of conventions and events[.]” After review of the submitted information and consideration of the arguments, we find the bureau has established release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the bureau may withhold the information at issue under section 552.104(a).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,



Emily Buchanan
Assistant Attorney General
Open Records Division

EB/som

Ref: ID# 664859

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.