



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

July 12, 2017

Ms. Jennifer Burnett  
Attorney & Public Information Coordinator  
Office of General Counsel  
The University of Texas System  
210 West 7<sup>th</sup> Street  
Austin, Texas 78701

OR2017-15478

Dear Ms. Burnett:

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# 665774 (ORR# 175298).

The University of Texas at El Paso (the "university") received a request for a specified agreement. The university claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception the university claims 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). 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 university represents the information at issue pertains to a competitive bidding situation. The university explains although the agreement has been executed, the university is "preparing to renegotiate certain terms of this agreement" and is "presently considering entering into a similar agreement with another entity." Thus, the university states release of the information would compromise its negotiating process, potentially placing the university at a competitive disadvantage. After

review of the information at issue and consideration of the arguments, we find the university has established the release of the information would give advantage to a competitor or bidder. Thus, we conclude the university may withhold the submitted information under section 552.104(a) of the Government Code.

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](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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 665774

Enc. Submitted documents

c: Requestor  
(w/o enclosures)