



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 23, 2017

Ms. Jennifer Burnett
Attorney & Public Information Coordinator
The University of Texas System
Office of the General Counsel
210 West Seventh Street
Austin, Texas 78701-2902

OR2017-24155

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# 679332 (OGC# 176585).

The University of Texas Southwestern Medical Center (the "university") received a request for specified budget and financial related documents.¹ The university states it will release most of the requested information upon payment of costs. You claim some of the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim 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*

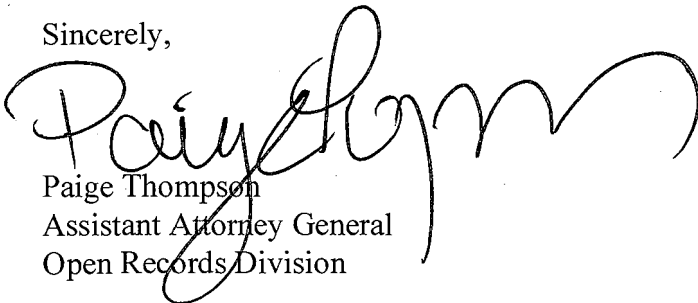
¹We note the university sought and received clarification of the information requested. *See* Gov't Code § 552.222(b) (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Co. v. Paxton, 466 S.W.3d 831 (Tex. 2015). The university asserts it has specific marketplace interests in the information at issue because the university must recruit and retain faculty. The university asserts the information at issue concerns supplementary compensatory benefits offered to certain university faculty members. The university argues, because it must continue to recruit and retain faculty, release of the information at issue would disadvantage the university in the competitive marketplace. However, upon review, we find the university failed to demonstrate the applicability of section 552.104 in this instance and the university may not withhold the information at issue on that basis. As the university raises no other exceptions to disclosure, it must release the submitted information.

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

Ref: ID# 679332

Enc. Submitted documents

c: Requestor
(w/o enclosures)