



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 12, 2017

Ms. Diane Morris  
Deputy General Counsel  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711

OR2017-28162

Dear Ms. Morris:

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# 687491 (OOG ID Nos. 17-366 and 17-348).

The Office of the Governor (the "governor's office") received two requests for the visitor logs to the governor's mansion after a specified date. You claim 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 representative sample of information.<sup>1</sup>

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, 841 (Tex. 2015). The governor's office states it has specific marketplace interests in the information at issue because Texas is competing with other states

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<sup>1</sup>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.

in the business expansion and recruitment marketplace. In addition, the governor's office states that release of the information it marked would allow other states to "directly approach these specific businesses and their representatives with competing incentives and, thus, undermine Texas' ability to successfully recruit the businesses" and that the information's release would "damage [the governor's office's] competitive position with regard to other states." After review of the information at issue and consideration of the arguments, we find the governor's office has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the governor's office may withhold the information it marked under section 552.104(a) of the Government Code. As no further exceptions were raised, the governor's office must release the remaining 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](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,



Patrick P. Mehaffy  
Attorney  
Open Records Division

PPM/eb

Ref: ID# 687491

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)