



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 15, 2017

Ms. Karen Kennard
Counsel for Austin Convention and Visitors Bureau
d/b/a Visit Austin
Greenberg Traurig, L.L.P.
300 West 6th Street, Suite 2050
Austin, Texas 78701

OR2017-28552

Dear Ms. Kennard:

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# 688265.

The Austin Convention and Visitors Bureau d/b/a Visit Austin (the "bureau"), which you represent, received a request for information pertaining to six specified concerts and the use of gift cards during a specified time period. 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.¹

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 asserts it has specific marketplace

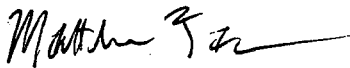
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

interests in the information at issue because it competes with other convention and visitors bureaus across the country to attract conventions and tourism to the City of Austin. The bureau asserts release of the information at issue would give advantage to competitors of the bureau. After review of the information at issue and consideration of the arguments, we find the bureau has established the release of the information it indicated would give advantage to a competitor or bidder. Thus, we conclude the bureau 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, 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,



Matthew Taylor
Assistant Attorney General
Open Records Division

MT/gw

Ref: ID# 688265

Enc. Submitted documents

c: Requestor
(w/o enclosures)