



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

February 4, 2019

Mr. Robert L. Spurck  
Counsel for the Lavaca Hospital District  
d/b/a Lavaca Medical Center  
Reed, Claymon, Meeker & Hargett, P.L.L.C.  
5608 Parkcrest Drive, Suite 200  
Austin, Texas 78731-4999

OR2019-03213

Dear Mr. Spurck:

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# 750144.

The Lavaca Hospital District d/b/a Lavaca Medical Center (the "district"), which you represent, received a request for a copy of a specified letter of intent. 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 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).

Section 552.104 of the Government Code excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." *Id.* § 552.104. 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.2d 831 (Tex. 2015). You indicate the district has specific marketplace interests in the information at issue because the district is competing with other land owners for potential leases. The district states the submitted information relates to ongoing negotiations between the district and a third party regarding a proposed lease agreement. You inform us negotiations have not yet been completed. Because the

terms of an agreement are not yet final, you contend release of the information at issue would interfere with the negotiation process and harm the district's ability to negotiate a final agreement with the terms most favorable to the district. After review of the information at issue and consideration of the arguments, we find the district has established the release of the information at issue would give advantage to a competitor or bidder. Accordingly, the district may withhold the submitted information under section 552.104 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,



Britni Ramirez  
Assistant Attorney General  
Open Records Division

BR/sb

Ref: ID# 750144

Enc. Submitted documents

c: Requestor  
(w/o enclosures)