



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 25, 2019

Mr. Jameson C. Baker  
Counsel for the Judson Independent School District  
Walsh, Gallegos, Trevino, Russo & Kyle, P.C.  
P.O. Box 460606  
San Antonio, Texas 78246

OR2019-11015

Dear Mr. Baker:

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# 762344.

The Judson Independent School District (the "district"), which you represent, received a request for all football playbooks or equivalents over a specified period. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code.<sup>1</sup> 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 Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). The district states it has specific marketplace interests in the submitted information because the district's football teams are competing against other teams in their football programs. The district states the submitted information reflects the "tradition of excellence" the district's football teams have developed "through their many years of success and mentorship of [the district's] student athletes." The district

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<sup>1</sup>Although you raise section 552.101 of the Government Code in conjunction with section 552.104 of the Government Code, we note section 552.101 does not encompass other exceptions found within the Act.

further states its football coaches “create playbooks and develop strategy that is unique to each football program with [the district].” Additionally, the district states each of its “coaches outline unique strategy, identify play calls, signals, alignments, audibles, [that] memorialize [each of] their unique coaching philosoph[ies].” The district asserts release of the submitted information could undermine the district’s football programs and give other football teams an advantage in preparing for competitions against the district’s teams. After review of the submitted information 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. Thus, we conclude the district 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,



Lecelle Clarke  
Attorney  
Open Records Division

LC/gw

Ref: ID# 762344

Enc. Submitted documents

c: Requestor  
(w/o enclosures)