



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 10, 2019

Ms. Mary E. Miller
Assistant District Attorney
Denton County Sheriff's Office
127 North Woodrow Lane, Suite 300
Denton, Texas 76205

OR2019-15411

Dear Ms. Miller:

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# 769728 (ORR# S001397-032219).

The Denton County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified request for proposals. The sheriff's office states it has released some of the requested information. The sheriff's office does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, the sheriff's office has provided correspondence from Keefe Commissary Network, L.L.C. ("Keefe"), objecting to the release of the submitted information. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the submitted arguments and reviewed the submitted information.

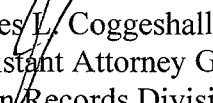
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). A private third party may invoke this exception. *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Id.* Keefe states it has competitors and argues release of the submitted information would cause it substantial competitive harm. Upon review, we find Keefe has

established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the sheriff's office may withhold the submitted information under section 552.104(a) of the Government Code.¹

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,



James L. Coggeshall
Assistant Attorney General
Open/Records Division

JLC/eb

Ref: ID# 769728

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third party
(w/o enclosures)

¹As our ruling is dispositive, we do not address the other arguments to withhold this information.