



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 27, 2019

Ms. Courtney R. Crosby  
Public Information Assistant Coordinator  
Dallas Independent School District  
9400 North Central Expressway  
Dallas, Texas 75231

OR2019-17710

Dear Ms. Crosby:

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# 772548 (ORR Nos. R018143-040419 and R018182-041519).

The Dallas Independent School District (the "district") received two requests from different requestors for vendor responses, pricing, and bid tabulations pertaining to a specified request for proposals.<sup>1</sup> The district claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. Additionally, the district states release of the information at issue may implicate the proprietary interests of the following: CareDox, Inc.; Hazel Health, Inc. ("Hazel"); Healthmaster Holdings, LLC; OCHIN, Inc.; Professional Software for Nurses, Inc.; and Welligent, Inc. Accordingly, the district states, and provides documentation showing, it notified these interested third parties of the request for information and of their right to submit arguments to this office. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (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 received comments from Hazel. 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

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<sup>1</sup>You state, and provide documentation demonstrating, the district sought and received clarification pertaining to the second request for information. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

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 district represents the information at issue pertains to a competitive bidding situation. In addition, the district states the information at issue could be used by competitors to undercut future bids, giving future bidders a competitive advantage over others and diminishing the district’s ability to procure the highest quality goods and services and to negotiate the most competitive contracts. 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, we conclude the district may withhold the submitted information under section 552.104(a) of the Government Code.<sup>2</sup>

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,



James M. Graham  
Assistant Attorney General  
Open Records Division

JMG/be

Ref: ID# 772548

Enc. Submitted documents

c: 2 Requesters  
(w/o enclosures)

6 Third Parties  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.