



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 28, 2019

Ms. Claudene Marshall
Assistant General Counsel
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2019-17872

Dear Ms. Marshall:

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# 772915 (ORR Nos. C000774 & C000790).

Texas A&M University (the "university") received two requests from different requestors for a specified contract between the university and its men's basketball coach. The university claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception the university claims and reviewed the submitted information.

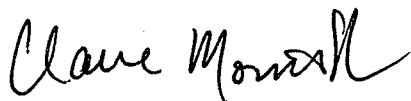
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). We understand the university has a specific marketplace interest in the submitted information because the university is competing with other institutions of higher education in its athletics programs, specifically basketball. The university explains the submitted information relates to preliminary terms of employment between the university and the named head basketball coach. Further, the university states disclosure of the submitted information would negatively affect its ability to secure the most favorable employment terms with this individual. After review of the information at issue and consideration of the arguments, we find the university has established the release of the

information would give advantage to a competitor or bidder. Thus, we conclude the university 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/be

Ref: ID# 772915

Enc. Submitted documents

c: 2 Requesters
(w/o enclosures)