



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 17, 2019

Ms. Hadassah Schloss  
Director, Open Government  
Texas General Land Office  
P. O. Box 12873  
Austin, Texas 78711-2873

OR2019-26015

Dear Ms. Schloss:

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# 786087 (GLO ID# 19-0655).

The Texas General Land Office (the "GLO") received a request for the purchase price related to a specified property. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.104 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

Initially, we note you have marked some of the submitted information as not responsive to the instant request because it does not consist of the requested purchase price. This ruling does not address the public availability of non-responsive information, and the GLO is not required to release non-responsive information in response to this request.

Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." *Id.* § 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). You represent the responsive information at issue pertains to a pending sale involving the property at issue. In addition, you state release of

the information at issue would cause harm to the GLO's interests in possible future sales. After review of the information at issue and consideration of your arguments, we find you have established the release of the information would give advantage to a competitor or bidder. Thus, we conclude the GLO may withhold the responsive information under section 552.104(a) of the Government Code.<sup>1</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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/jxd

Ref: ID# 786087

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup> As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.