



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 18, 2019

Ms. Deanne Lin
Assistant County Attorney
County of Harris
1019 Congress Street, Fifteenth Floor
Houston, Texas 77002

OR2019-26123

Dear Ms. Lin:

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# 786674 (C.A. File No. 19PIA0504).

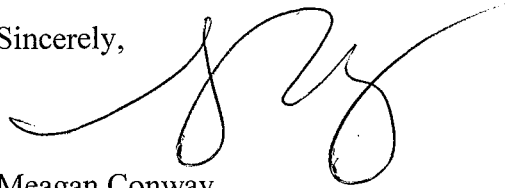
The Harris County Flood Control District (the "district") received a request for information pertaining to a specified property. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted 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). You represent Harris County (the "county") has specific marketplace interests in the submitted information. You state the county is in the process of purchasing the specified property. You further state the release of the information at issue would interfere with the county's interest as purchaser, compromising the county's ability to purchase the property. After review of the information and consideration of the arguments, we find the district has established release of the submitted information 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 <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,



Meagan Conway
Assistant Attorney General
Open Records Division

MC/gw

Ref: ID# 786674

Enc. Submitted documents

c: Requestor
(w/o enclosures)