



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 8, 2019

Ms. Cynthia Tynan  
Senior Attorney & Public Information Coordinator  
University of Texas System  
210 West Seventh Street  
Austin, Texas 78701

OR2019-28220

Dear Ms. Tynan:

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# 790232 (ORR# 192103).

The University of Texas at Austin (the "university") received a request for specified contracts. The university states it will withhold some of the requested information in accordance with the previous determinations issued in Open Records Letter Nos. 2019-03703 (2019), 2019-09022 (2019), 2019-18570 (2019), 2019-19995 (2019), and 2019-24409 (2019). *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). 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.

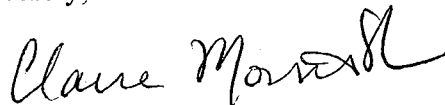
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). The university states it has specific marketplace interests in the information at issue because the university competes with other

universities for football games and thus, is a competitor in this marketplace. Additionally, the university states release of the submitted information would enable the university's competitors to undercut the university's negotiating position, which would hamper the university's ability to enter into future agreements. Upon review of the submitted information and consideration of the arguments, we find the university has established release of the submitted 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 <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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/mo

Ref: ID# 790232

Enc. Submitted documents

c: Requestor  
(w/o enclosures)