



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 22, 2019

Mr. Benjamin Lugg
Attorney
San Antonio Housing Authority
818 South Flores Street
San Antonio, Texas 78204

OR2019-33142

Dear Mr. Lugg:

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# 798254 (SAHA Ref. No. W002142-083019).

The San Antonio Housing Authority (the "authority") received a request for voucher recipient information, voucher utilization information, and the funding application for the voucher program. The authority states it has released some information to the requestor. The authority claims the submitted information is excepted from disclosure under section 552.104 of the Government Code.¹ We have considered the exception the authority 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 authority informs us the submitted information pertains to its application for a competitive funding grant which would allow the authority to further its mission of helping families find places to live. The authority

¹ Although the authority also raises sections 552.105 and 552.110 of the Government Code, it has not provided any arguments to support these exceptions. Therefore, we assume the authority has withdrawn its claim these sections apply to the submitted information. *See* Gov't Code §§ 552.301, .302.

states it has specific marketplace interests in the information at issue because the authority competes with other housing authorities throughout the country for the funding at issue. In addition, the authority states release of the information would cause harm to its competitive interests and would give an advantage to other housing authorities. After review of the information at issue and consideration of the arguments, we find the authority has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the authority 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,



Gerald Arismendez
Assistant Attorney General
Open Records Division

GAA/gw

Ref: ID# 798254

Enc. Submitted documents

c: Requestor
(w/o enclosures)