



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 17, 2019

Ms. Katheryne Ellison  
Assistant General Counsel  
Houston Independent School District  
4400 West 18th Street  
Houston, Texas 77092-8501

OR2019-35638

Dear Ms. Ellison:

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# 801993 (HISD File Nos. HC092319 and B092719).

The Houston Independent School District (the "district") received a request for all agreements between the district and a specified law firm during a specified time period. The district received a second request, from a different requestor, for all agreements between the district and the specified law firm and records related to payments made to the specified law firm by the district during a specified time period. The district states it will release some information to the second requestor. The district claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception the district claims and reviewed the submitted representative sample of information.<sup>1</sup>

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*

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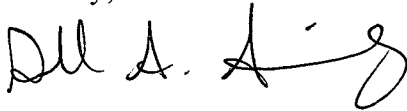
<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

*Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). The district states the submitted information relates to requests for qualifications for legal services and the district seeks bids for these services on a recurring basis. Further, the district states release of the information at issue would allow competitors to undercut future bids and “diminish the [d]istrict’s ability to procure the highest quality goods and services and to negotiate the most competitive contracts.” After review of the submitted 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,



Gerald Arismendez  
Assistant Attorney General  
Open Records Division

GAA/mo

Ref: ID# 801993

Enc. Submitted documents

c: Requestor  
(w/o enclosures)