



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 1, 2022

Ms. Kristi Godden  
Counsel for the Crowley Independent School District  
O'Hanlon, Demerath & Castillo  
808 West Avenue  
Austin, Texas 78701

OR2022-09634

Dear Ms. Godden:

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# 939714 (Ref. No. 22-001).

The Crowley Independent School District (the "district"), which you represent, received a request for a specified grant application. The district claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.104(a) of the Government Code excepts from disclosure information that a governmental body demonstrates, if released, would "harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future." 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, 841 (Tex. 2015). The district explains the submitted information consists of the district's application for the Aircraft Pilots Workforce Development Grant Program, a competitive grant program established by the Federal Aviation Administration. Therefore, the district asserts it has specific marketplace interests in the information at issue because the district is competing with other organizations for limited federal funds under this grant. The district argues release of the information at issue would provide a competitive advantage to these competing organizations, including the requestor. Based upon these representations and our review, we find the district has demonstrated it has specific

marketplace interests and may be considered a “competitor” for purposes of section 552.104. We also find the district has demonstrated release of the submitted information would give advantage to a competitor or bidder. Accordingly, 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,

Katie Stallcup  
Assistant Attorney General  
Open Records Division

AKS/jxd

Ref: ID# 939714

Enc. Submitted documents

c: Requestor  
(w/o enclosures)