



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 2, 2022

Ms. Erika Orr  
Public Information Lead  
Dallas Independent School District  
9400 North Central Expressway  
Dallas, Texas 75231

OR2022-22679

Dear Ms. Orr:

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# 963271 (Ref. No. R021716-050922).

The Dallas Independent School District (the "district") received a request for a specified contract. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of NWEA. Accordingly, you state, and provide documentation showing, you notified NWEA of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from NWEA. We have reviewed the submitted information and the submitted arguments.

Section 552.1101 of the Government Code provides, in relevant part, as follows:

- (a) Except as provided by Section 552.0222, information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from the requirements of Section 552.021 if the vendor, contractor, potential vendor, or potential contract that the information relates to

demonstrates based on specific factual evidence that disclosure of the information would:

(1) reveal an individual approach to:

(A) work;

(B) organization structure;

(C) staffing;

(D) internal operations;

(E) processes; or

(F) discounts, pricing methodology, pricing per kilowatt hour, cost data, or other pricing information that will be used in future solicitation or bid documents, and

(2) give advantage to a competitor.

Gov't Code § 552.1101(a). Additionally, we note section 552.0222(b) lists certain types of information to which section 552.1101(a) does not apply. *See id.* § 552.0222(b). NWEA asserts disclosure of the information at issue would reveal an individual approach to its internal processes, discounts, or pricing methodology and give advantage to a competitor. Upon review, we find NWEA has demonstrated the applicability of section 552.1101(a) to some of the information at issue. Accordingly, the district must withhold the information we marked under section 552.1101(a) of the Government Code. However, we find some of the remaining information at issue is subject to section 552.0222(b) and may not be withheld on the basis of section 552.1101. Additionally, we find NWEA has failed to demonstrate the applicability of section 552.1101 to any portion of the remaining information. Therefore, the district may not withhold any of the remaining information at issue under section 552.1101(a) of the Government Code. The district must release the remaining information.

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,

Sarah E. Reese  
Attorney  
Open Records Division

SER/be

Ref: ID# 963271

Enc. Submitted documents

c: Requestor  
(w/o enclosures)