



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 30, 1996

Ms. Maria Elena Ramon
Director, Open Government and
Fair Employment Practices Section
Texas General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

OR96-1560

Dear Ms. Ramon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100806.

The General Land Office (the "GLO") received a request for an appraisal for a particular piece of property in Ellis County. You claim that the requested information is excepted from disclosure under sections 552.104 and 552.105 of the Government Code.¹

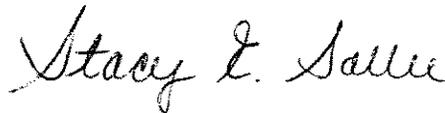
Section 552.104 excepts information that, if released, would give advantage to a competitor or bidder. The purpose of this exception is to protect the interests of a governmental body in competitive bidding situations. *See* Open Records Decision No. 592 (1991). Section 552.104 is not designed to protect the interests of private parties that submit information to a governmental body. *Id.* at 8-9. This exception protects information from public disclosure if the governmental body demonstrates potential specific harm to its interests in a particular competitive situation. *See* Open Records Decision Nos. 593 (1991) at 2, 463 (1987), 453 (1986) at 3. A general allegation of a remote possibility that some unknown "competitor" might gain some unspecified advantage by disclosure does not trigger section 552.104. Open Records Decision No. 463 (1987) at 2.

¹ We note that although the GLO originally claimed that section 552.105 excepts the requested information from disclosure, the GLO did not offer any arguments in support of this contention. Therefore, we do not consider the GLO's claimed exception under section 552.105. *See* Gov't Code § 552.301(b)(1).

Here, you advise us that the GLO is in the process of selling the real property obtained for the Superconducting Supercollider Project. You contend that the release of the appraisal report will harm the State's position in the disposition of the tract in question, as well as in the disposition of the surrounding tracts that are being offered for sale or will be offered for sale in the near future. Finally, you claim that, if the requested information were to be made available to the public, it would very likely affect the State's ability to obtain the highest sale price for the tract in question and for the adjacent tracts. We believe that the GLO has met its burden of establishing specific harm to its interests in this particular situation. Therefore, the GLO may withhold from disclosure the requested appraisal report under section 552.104.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 100806

Enclosures: Submitted documents

cc: Ms. Dow Anna McGregor
411 Ferris Avenue
Waxahachie, Texas 75165
(w/o enclosures)