



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 25, 2015

Ms. Barbara B. Bozon, CPA
Executive Director
Central Texas Housing Consortium
P.O. Box 1326
Temple, Texas 76503-1326

OR2015-17683

Dear Ms. Bozon:

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# 577145.

The Central Texas Housing Consortium (the "consortium") received a request for an electronic record of specified types of information pertaining to purchase orders during a specified time period. You claim some of the requested information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

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*, No. 12-1007, 2015 WL 3854264, at *9 (Tex. June 19, 2015). You represent the pricing information you have highlighted in the submitted information pertains to competitive bidding situations. In addition, you state, although the information at issue

¹We 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 those records contain substantially different types of information than that submitted to this office.

relates to contracts that have been awarded and executed, the consortium solicits proposals for these types of products on a recurring basis and disclosure of the information at issue will provide an unfair advantage to third-party competitors. After review of the information at issue and consideration of the arguments, we find the consortium has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the consortium may withhold the pricing information you have highlighted under section 552.104(a) of the Government Code. As you have not claimed any other exceptions to disclosure, the consortium 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 http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/bhf

Ref: ID# 577145

Enc. Submitted documents

c: Requestor
(w/o enclosures)