



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 20, 2015

Ms. Cynthia Tynan
Attorney & Public Information Coordinator
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701

OR2015-21957

Dear Ms. Tynan:

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# 583750 (OGC# 163446).

The University of Texas Medical Branch at Galveston (the "university") received a request for any information pertaining to the provision of certain health care services in the El Paso County Detention System. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You state you have notified El Paso County of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for Attorney General ruling should or should not be released). We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See id.*

Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." *Id.* § 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 university states it has specific marketplace interests in the information at issue because the university competes against third parties in the healthcare market place. The university explains the submitted information pertains to a

contract that has not been finalized. In addition, the university states release of the information would give competitors an advantage by providing competitors with information pertaining to pricing, services offered, and details of the ongoing negotiations. After review of the information at issue and consideration of the arguments, we find the university has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the university may withhold the submitted information under section 552.104(a).

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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/dls

Ref: ID# 583750

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Sheriff Richard Wiles
El Paso County Sheriff's Office
3850 Justice Drive
El Paso, Texas 79938
(w/o enclosures)

Hon. Veronica Escobar
El Paso County Judge
500 East San Antonio, Room 301
El Paso, Texas 79901
(w/o enclosures)

Ms. Kennie Downing
El Paso County Purchasing Agent
800 East Overland, Suite 300
El Paso, Texas 79901
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