



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 22, 2015

Mr. W. Montgomery Meitler  
Senior Counsel  
Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR2015-22203

Dear Mr. Meitler:

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# 584149 (TEA PIR# 25159).

The Texas Education Agency (the "agency") received a request for the names of the school districts that submitted reviewer information for a specific grant program. The agency claims the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception the agency claims and reviewed the submitted information.

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*, 466 S.W.3d 831 at 841 (Tex. 2015). The agency represents the information pertains to a competitive bidding situation. In addition, the agency states the grant program at issue is a competitive grant where prospective applicants are asked to submit the names of individuals qualified to serve as peer reviewers of the grant applications. The agency further states, until the grants are awarded, release of the submitted information would impair the competitive aspect of the grant application process and grant potential competitors the

opportunity to exert undue influence on the reviewers. After review of the information at issue and consideration of the arguments, we find the agency has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the agency 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 [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,



Rahat Huq  
Assistant Attorney General  
Open Records Division

RSH/cbz

Ref: ID# 584149

Enc. Submitted documents

c: Requestor  
(w/o enclosures)