



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 27, 2015

Ms. Kristen Lee
Assistant County Attorney
Harris County Attorney's Office
1019 Congress, 15th Floor
Houston, Texas 77002

OR2015-22464

Dear Ms. Lee:

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# 584566 (File No. 15PIA0342).

The Harris County Sports and Convention Corporation (the "corporation") received a request for all e-mails between two named individuals during a specified time period and all e-mails between two named individuals relating to any business relationship with Houston First Corporation. The corporation claims the submitted information is excepted from disclosure under sections 552.104, 552.105, 552.107, 552.111, and 552.131 of the Government Code. We have considered the exceptions the corporation claims and reviewed the submitted information.

We note some of the submitted information is not responsive to the instant request for information because it does not consist of e-mails between the named individuals. This ruling does not address the public availability of non-responsive information, and the corporation is not required to release non-responsive information in response to this request.

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 (Tex. 2015).

The corporation states the responsive information relates to agreements that were being negotiated at the time the corporation received the request. The corporation explains the release of the information at issue before the agreements are finalized would give bidders and competitors an upper hand. After review of the information at issue and consideration of the arguments, we find the corporation has established the release of the responsive information would give advantage to a competitor or bidder. Thus, we conclude the corporation may withhold the responsive information under section 552.104(a).¹

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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 584566

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address the corporation's remaining arguments against disclosure.