



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 3, 2015

Mr. Robert Davis  
Assistant City Attorney  
Law Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-8828

OR2015-23047

Dear Mr. Davis:

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# 585848.

The City of Austin (the "city") received a request for an appraisal and associated land plans for a specified address. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim 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, 841 (Tex. 2015). The city states it has specific marketplace interests in the information at issue because the information at issue relates to land the city is in the process of purchasing. You state because the acquisition has not closed, the city is still considered to be in negotiations with the owner and issues could arise that could alter the conditions of the contract or terminate the contract up to the time of closing. You contend until the closing occurs, release of the requested information would interfere with the city's interests as a buyer in this situation because the city's ability to buy the property at issue at a fair market value would be compromised. Based on your representations and

our review, we find the city has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we agree the city may withhold the submitted information under section 552.104 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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 585848

Enc. Submitted documents

c: Requestor  
(w/o enclosures)