



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 6, 2016

Mr. David V. Bryce
Office of General Counsel
Houston Housing Authority
2640 Fountain View Drive, Suite 409
Houston, Texas 77057

OR2016-07708

Dear Mr. Bryce:

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# 604529.

The Houston Housing Authority (the "authority") received a request for a specified section of a specified finance package. You claim the submitted information is excepted from disclosure under sections 552.104 and 552.143 of the Government Code. You state release of the submitted information may implicate the proprietary interests of CohnReznick, LLP. Accordingly, you provide documentation showing you notified CohnReznick, LLP of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

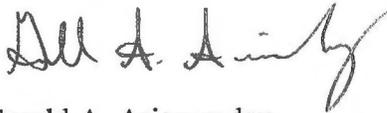
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." *Id.* § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). The authority states it has specific marketplace interests in the information at issue because the authority is competing for financing with other parties seeking financing for similar projects. The authority states disclosure of the submitted information would put it at a competitive disadvantage in the financing marketplace as

competitors could frame their own finance solicitations in a more favorable fashion, thereby squeezing it out of the market for financing or investments. After review of the information at issue and consideration of the arguments, we find the authority has established the release of the information at issue would give advantage to a competitor. Thus, we conclude the authority may withhold the submitted 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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/dls

Ref: ID# 604529

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Quinn Wormley
Director
CohnReznick, LLP
816 Congress Avenue, Suite 200
Austin, Texas 78711-2548
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.