



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 6, 2016

Mr. Dan Junell
Assistant General Counsel
Teacher Retirement System of Texas
1000 Red River Street
Austin, Texas 78701-2698

OR2016-07733

Dear Mr. Junell:

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# 604478 (TRS Reference: Strategar 16-1).

The Teacher Retirement System of Texas (the "system") received a request for information pertaining to a specific RFP. The system states it will release some information. Although the system takes no position as to whether the submitted information is excepted under the Act, the system informs us release of this information may implicate the proprietary interests of Wienot Films, LLC ("Wienot"). Accordingly, the system states, and provides documentation showing, it notified Wienot of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(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 received comments from Wienot. We have considered the submitted arguments 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). A private third party may invoke this exception. *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). 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.” *Id.* at 841. Wienot states it has competitors. In addition, Wienot states release of its pricing and client information would give its competitor, the requestor, an advantage. After review of the information at issue and consideration of the arguments, we find Wienot has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the system may withhold the information we have marked under section 552.104(a) of the Government Code. The system must release the remaining information.

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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 604478

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Marc Strong
Founder & Creative Director
Wienot Films, LLC
Austin, Texas 78749
(w/o enclosures)