



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 9, 2016

Ms. Amanda Davis  
Associate General Counsel  
Dallas County Schools  
612 North Zang Boulevard  
Dallas, Texas 75208

OR2016-17839

Dear Ms. 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# 621903 (DCS Reference NO. W000803-051916).

Dallas County Schools ("DCS") received a request for a specified contract. You claim some of the submitted information is excepted from disclosure under sections 552.104 and 552.110 of the Government Code.<sup>1</sup> We have considered the exceptions you raise and reviewed the submitted information.

Section 552.104 of the Government Code excepts from required public 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). DCS states it competes with other stop-arm camera programs throughout the State of Texas. DCS argues release of the information at issue would enable its competitors to more effectively, and unfairly, compete against DCS in the future. DCS states the information at issue reveals its pricing methodology, customer information, and business model information. Based on your

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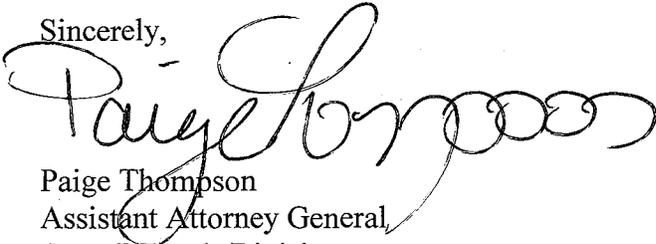
<sup>1</sup>Although you also raise section 552.101 of the Government Code for the submitted information, you provide no arguments explaining how this exception is applicable to the information at issue. Therefore, we assume you no longer assert this exception. See Gov't Code §§ 552.301, .302.

representations and our review, we find DCS has demonstrated it has specific marketplace interests and may be considered a “competitor” for purposes of section 552.104. We also find DCS has demonstrated release of the information it marked would give advantage to a competitor or bidder. Accordingly, DCS may withhold the information it marked under section 552.104 of the Government Code.<sup>2</sup> As DCS raises no exceptions to disclosure for the remaining information, it must be released.

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,



Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/dls

Ref: ID# 621903

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we do not address DCS’s remaining argument to withhold the submitted information.