



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 1, 2010

Mr. James G. Nolan
Assistant General Counsel
Open Records Section
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

OR2010-07927

Dear Mr. Nolan:

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# 381129 (Comptroller ID# 6227913689).

The Texas Comptroller of Public Accounts (the "comptroller") received a request for a list of applicants applying for a specified grant. You claim that 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 excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The purpose of section 552.104 is to protect a governmental body's interests in certain competitive situations. *See* Open Records Decision No. 592 (1991). Section 552.104 requires a showing of some actual or specific harm in a particular competitive situation; a general allegation that a competitor will gain an unfair advantage will not suffice. *See* Open Records Decision No. 541 at 4 (1990).

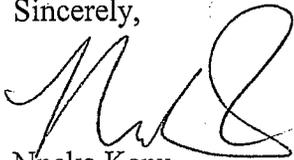
You state that although the deadline for submitting applications has passed in the competitive bidding situation at issue, the selection and approval of the successful applicants, together with contract negotiations and the execution of contracts remain pending. You assert release of the requested information at this time would provide a competitive advantage because applicants may submit additional information and could tailor their responses, depending on

who their other competitors are in this bidding situation. Based on your representations, we conclude the comptroller has demonstrated release of the submitted information would harm its interests in a competitive situation. Accordingly, the comptroller 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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/jb

Ref: ID# 381129

Enc. Submitted documents

cc: Requestor
(w/o enclosures)