



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 18, 2016

Mr. Jason M. Cordoba  
Counsel for Port Freeport  
Mauro & Cordoba, PLLC  
208 Parking Way  
Lake Jackson, Texas 77566

OR2016-08685

Dear Mr. Cordoba:

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# 606188.

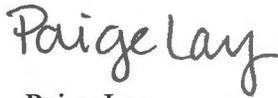
Port Freeport (the "port"), which you represent, received a request for information pertaining to a specified lease between the port and a named company. You claim some of the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception 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 port states it has specific marketplace interests in the information at issue because it competes with others for prospective tenants in the real property marketplace. In addition, the port argues release of some of the requested information would harm its marketplace interests. After review of the information at issue and consideration of the arguments, we find the port has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the port may withhold the information it has indicated under section 552.104(a) of the Government Code. The remaining information 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,

A handwritten signature in cursive script that reads "Paige Lay".

Paige Lay  
Assistant Attorney General  
Open Records Division

PL/som

Ref: ID# 606188

c: Requestor