KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 27, 2026

Ms. Audra Gonzalez Welter
Associate General Counsel
University of Texas System
210 West Seventh Street
Austin, Texas 78701-2902

OR2026-048356

Dear Ms. Welter:

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# 26-046891 (OGC# 225941).

The University of Texas at Austin (the "university") received a request for specified contracts. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. Additionally, you state release of this information may implicate the proprietary interests of Sports In Action, LLC d/b/a High Field Marketing and Dave Campbell Texas Football ("DCTX"). Accordingly, you state, and provide documentation showing, you notified DCTX 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 DCTX. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

We note section 2261.253 of the Government Code provides, in relevant part, as follows:

> (a) For each contract for the purchase of goods or services from a private vendor, each state agency shall post on its Internet website:
>
> > (1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring

> competitive bidding before selection of the contractor, until the contract expires or is completed[.]
>
> . . .
>
> (e) A state agency that posts a contract on its Internet website as required under this section shall redact from the posted contract:
>
> (1) information that is confidential under law; [and]
>
> (2) information the attorney general determines is excepted from public disclosure under [the Act.]
>
> . . .
>
> (f) The redaction of information under Subsection (e) does not exempt the information from the requirements of Section 552.021 or 552.221.

Id. § 2261.253(a)(1), (e)(1)-(2), (f). We note the information at issue consists of contracts between the university, which is a state agency, and a private vendor for the purchase of goods or services. *See id.* § 2261.002(2) ("state agency" has meaning assigned by Gov't Code § 2151.002(3) ("state agency" includes university system or institution of higher education as defined by Educ. Code § 61.003)). Further, we have no indication the contracts at issue have either expired or been completed. Accordingly, we find the contracts at issue are contracts described by section 2261.253. However, the 85th Legislature amended section 2261.253; pursuant to the amendments, state agencies shall redact from contracts subject to section 2261.253 information that the attorney general determines is excepted from public disclosure under the Act. *Id.* § 2261.253(e)(2); *see also id.* § 2261.253(f). The amendments "apply only in relation to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after [September 1, 2017]." Act of May 29, 2017, 85th Leg., R.S., ch. 556, § 17(c). We note the amendments do not apply to contracts where the university first advertised or otherwise solicited bids for the contracts prior to September 1, 2017. We have no indication any portion of the contract at issue was properly redacted under section 2261.253(e). Although DCTX raises sections 552.110 and 552.1101, section 552.0222 expressly states these exceptions do not apply to a contract described by section 2261.253(a). Accordingly, we do not address DCTX's arguments against disclosure of the information at issue under section 552.110 of the Government Code. Upon review, we conclude the contracts at issue are subject to the amendments; thus, we will consider the applicability of section 552.104 of the Government Code for the information at issue.

Section 552.104(a) of the Government Code excepts from disclosure information that a governmental body demonstrates, if released, would "harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future." 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).

You seek to withhold the entirety of the submitted information under section 552.104. However, subsection 2261.253(e) of the Government Code states, in relevant part, "[a] state agency that *posts a contract on its Internet website as required under* [section 2261.253] shall redact [information the attorney general determines is excepted from public disclosure] *from* the *posted* contract[.]" *See* Gov't Code § 2261.253(e) (emphasis added). Interpreting subsection 2261.253(e) to allow a state agency to withhold the entirety of a contract that the legislature, in the same section, expressly requires the state agency to post on its internet website is absurd and not consistent with the unambiguous language used by the legislature. Pursuant to the plain language of this subsection, a state agency may not withhold the entirety of a contract subject to section 2261.253. *See Hernandez v. Ebrom*, 289 S.W.3d 316, 318 (Tex. 2009) (unambiguous statutory language is interpreted according to its plain language unless such an interpretation would lead to absurd results); Attorney General Opinion GA-0876 (2011); *see also* Sen. Comm. on Finance, Bill Analysis, Tex. S.B. 20, 84th Leg., R.S. (2015) ("The purpose of this bill is to reform state agency contracting by clarifying accountability, increasing transparency, and ensuring a fair competitive process."). Therefore, the university may not withhold the contracts at issue under section 552.104 of the Government Code. The university must release the submitted 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 https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/sb

Ref: ID# 26-047147

c: Requestor

Third Parties