



Office of General Counsel

THE TEXAS A&M UNIVERSITY SYSTEM

August 18, 2025

Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

via OAG E-Filing

Re: Request for a Decision regarding a Public Information Request from Robert Montoya to Texas A&M University (K002835-080425)

Dear Open Records Division:

On August 4, 2025¹, Texas A&M University (the “university”) received a public information request from Robert Montoya (the “requestor”). The request, enclosed as Exhibit A, seeks records related to research conducted by members of the university.

We believe that a portion of the requested information is excepted from disclosure under the Texas Public Information Act, Government Code, Chapter 552 (“Act”), as explained below. Therefore, we are requesting a decision regarding this information.

Please note that the requestor has permitted the university to withhold records subject to mandatory exceptions under the Act. Accordingly, the university is withholding responsive information pursuant to section 552.101 of the Act in conjunction with section 51.914(a)(1) of the Texas Education Code.

Tex. Gov’t Code § 552.104

Section 552.104(a) of the Act provides that information is excepted from disclosure if:

a governmental body demonstrates that release of the information 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.

¹ The request was originally received on August 3, 2025 (outside of business hours) making the official date of receipt August 4, 2025. See Exhibit A. Thus, the 10th business day after receipt of the request is today, August 18, 2025.

August 18, 2025

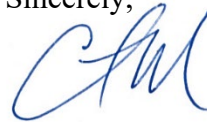
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Tex. Gov't Code Ann. § 552.104(a) (West Supp. 2019). As the Texas Supreme Court has recognized, the applicable test is whether the information, if disclosed, “would be an advantage” to a competitor or bidder, “not whether it would be a decisive advantage.” *See Boeing Company v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015).

Here, the information enclosed as Exhibit B relates to an ongoing competitive situation or a particular competitive situation that is set to reoccur. The enclosed information reveals the university’s datasets, its detailed research methodology, its research collaborators, and potential applications of this research. The university is a competitor with other entities for research funding from specific research grants and releasing the information would allow a competitor to duplicate the university’s research to the detriment of the university in this transaction and in future similar transactions and grant applications. Therefore, we believe the disclosure of the information in Exhibit B would give an advantage to a competitor or bidder and that this information should be withheld under section 552.104(a).

Thank you for your consideration of this matter. If you have any questions, please feel free to contact me.

Sincerely,



Claudene Marshall
Assistant General Counsel

Enclosures: Exhibits A, B

cc: Requestor (*without enclosures*)

TAMU Open Records