

PowerSchool Group LLC
150 Parkshore Drive
Folsom, CA 95630

February 28, 2018

Via Certified Mail

The Honorable Ken Paxton
Attorney General for the State of Texas
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

RE: Katy ISD Public Information Request 17404_40_Dolan:
Arguments to Prevent the Disclosure of Confidential Information

Dear Mr. Attorney General:

On February 27, 2018 PowerSchool Group LLC ("PowerSchool") was notified of a Texas Public Information Request made to Katy Independent School District ("District"), a PowerSchool customer, for information related to one of PowerSchool's products, eSchoolPLUS. The Request was made by Sean Dolan of Pushfire. ("Requestor"). Mr. Dolan is requesting a "list of all data fields currently used by the district in eSchoolPLUS program". This list is confidential information excepted from disclosure under Chapter 552 of the Texas Government Code.

While information submitted to a public agency is subject to disclosure, Section 552.110 exempts from disclosure, "a trade secret obtained from a person and privileged or confidential by statute or judicial decision." TEX. GOV'T Code §552.110(a). A trade secret under Texas law, includes, "a compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. *Hyde Corp. v. Huffines*, 314 S.W.2d 763, 776 (Tex. 1958). PowerSchool's data fields for eSchoolPLUS are just that: a compilation of information which creates the database structure central to this product. This structure is what sets the product apart in the marketplace and is the backbone of the product's functional capabilities.

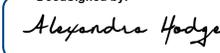
Additionally, Section 552.104(a) exempts information from disclosure when doing so, "would give advantage to a competitor or bidder." TEX. GOV'T CODE § 552.104(a). The Texas Supreme Court held in *The Boeing Co. v. Paxton* that a private company may assert this exception to protect sensitive information from a competitor. *Boeing Co. v. Paxton*, 466 S.W. 3d 831 (Tex. 2015). Further, Section 552.104 protects information when the governmental body solicits bids for services on a recurring basis and the disclosure of information would provide an opportunity for competing companies to undercut the other's bid. TEX. ATTY GEN. ORD-541.

Requestor may be working for a direct competitor of PowerSchool in the state of Texas.

While the release of information will not impact the contract for District, PowerSchool and its competitors compete for the same school district business time and time again. The database structure and capability is often the distinguishing factor between companies in this market.

Allowing Requestor access to the list of all data fields would allow insight to PowerSchool's overall database structure and functionality, exposing trade secrets and providing an "advantage to a competitor or bidder". TEX. GOVT CODE § 522.104(a). Therefore, PowerSchool requests that its list of data fields remain confidential and be withheld from disclosure to the requestor.

Sincerely,

DocuSigned by:

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Alexandra Hodge
Corporate Counsel
PowerSchool Group LLC

Cc:

Via Electronic Mail – Sabrina Fernandez, publicrecords@katyisd.org
Katy ISD

Via Electronic Mail – Sean Dolan, sean@pushfire.com
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