



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 20, 1992

Mr. Robert Giddings  
Office of General Counsel  
University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2981

OR92-75

Dear Mr. Giddings:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14186.

The University of Texas System ("the university") has received from an animal rights group a request for certain information relating to the use of chimpanzees by the Chimpanzee Breeding Program in the Veterinary Resources Department of M.D. Anderson Cancer Center. We are advised that you have or will make available to the requestor all requested information except the requested minutes of certain animal care committee meetings. You have submitted for our review a representative sample of the requested minutes, and you have marked as excepted from disclosure only the names of certain faculty members, researchers or employees. Thus, we understand that the only information at issue here is the names of various individuals mentioned in the requested minutes, and this opinion addresses therefore only the disclosure of those names.

You claim that the information at issue is excepted from required public disclosure by section 3(a)(1) of the Open Records Act. With regard to this claim, you have submitted to us additional information in support of your assertion that release of the requested names to the animal rights group would create a significant and imminent threat of physical harm to the named individuals. In Open Records Decision No. 169 (1977), this office excepted from required disclosure the addresses of certain governmental employees pursuant to section 3(a)(1) given the showing of exceptional circumstances indicating an "imminent threat of physical danger as opposed to a generalized and speculative fear of harassment or retribution." *Id.* at

6. We have reviewed the additional information submitted to us. That information describes in general some instances of property damage and various verbal protests and demonstrations against animal researchers, including the picketing of one animal researcher's home. The documents, however, do not describe violent action by the animal rights group that has filed this request. In fact, several of the documents indicate that group's support for non-violent public protest. While this office recognized in Open Records Decision No. 169 that the privacy rights protected by section 3(a)(1) would preclude the release of the addresses of individuals in circumstances showing imminent threat of physical danger, those rights do not preclude the release of the names at issue here given documentation only of non-violent public criticism, protest and demonstration.

You also claim that some of the requested information contains commercially exploitable scientific or technological working data or work product, including information that directly reveals the substance of proposed research. See Open Records Decision No. 497 (1988) (discussing exception for such data made confidential by Texas Education Code). The requested names clearly do not fit within the exception provided for scientific and technological work product or research discussed in Open Records Decision No. 497.

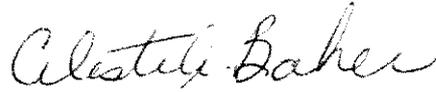
You also assert that you may withhold the requested names under section 3(a)(8) of the act. Section 3(a)(8) by its terms applies to "law enforcement agencies and prosecutors." Even assuming that M.D. Anderson Cancer Center is a law enforcement agency for purposes of this section, you have not explained how release of the names would unduly interfere with law enforcement. See Open Records Decision No. 409 (1984).

Finally, you claim that the requested names may be withheld pursuant to section 3(a)(11). Section 3(a)(11), however, excepts only governmental memoranda and documents to the extent they contain advice, opinion or recommendation intended for use in the entity's deliberative process. Open Records Decision No. 462 (1987). Thus, that section does not apply to except the names of individuals in issue here.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR92-75.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

GCK/CAB/lb

Ref.: ID# 14168, 14330, 14461, 14579, 14704

Enclosure: Open Records Decision No. 169

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