



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 29, 1996

Ms. Amy Whitt
Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR96-1981

Dear Ms. Whitt:

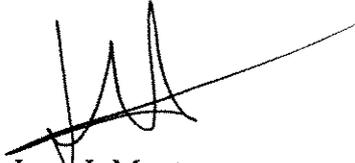
You ask whether certain information, previously addressed in Open Records Letter No. 96-0992 (1996), is subject to public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, to the extent that the City of Lubbock (the "city") is required to copy copyrighted material for the requestor without the explicit permission of the copyright holder. Your request was assigned ID# 101927.

The city does not ask for reconsideration of Open Records Letter No. 96-0992 (1996), and reports that it has complied with the ruling insofar as it has allowed the "inspection of the copyrighted materials." It additionally notes that it has not received any written authorization from the copyright holder to disclose the information. This office observed in Open Records Decision No. 550 (1990) that while copyrighted information may be subject to public disclosure under the Open Records Act, the custodian of public records must comply with copyright law and is not required to furnish copies of copyrighted records. Members of the public may inspect copyrighted materials held as public records, and make copies of such records unassisted by the governmental body. Open Records Decision No. 550 (1990). In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. Attorney General Opinion MW-307 (1981); Open Records Decision No. 180 (1977).

In conclusion, we affirm the decision reached in Open Records Letter No. 96-0992 (1996), and observe that the city's decision to allow public access to the documents at issue subject to the exceptions allowed in Open Records Letter No. 96-0992 (1996) is in conformance with Open Records Decision No. 550 (1990) with the task of any copying to be done resting upon the requestor of the materials.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', is written over a horizontal line. The signature is stylized with several sharp peaks and valleys.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/rho

Ref.: ID# 101927

Enclosures: Submitted documents

cc: Mr. Steven R. Rowland
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