



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1998

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR98-3017

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120356.

The City of Houston (the "city") received a request for the foundation drawings of a specific residence. You assert that the requested engineering drawings are confidential pursuant to section 552.101 in conjunction with the common-law doctrine of copyright law. We have considered your arguments and reviewed the submitted information.

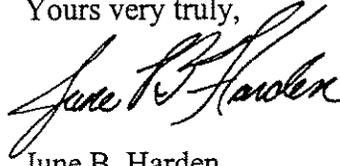
We note that a custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Attorney General Opinion JM-672 (1987). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.* If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. 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. See Open Records Decision No. 550 (1990).

Assuming that the requested engineering drawings are copyrighted the city need not provide copies of them to the requestor, but must make them available for inspection and copying by the requestor, as no exception under chapter 552 has been established for withholding the requested plans.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being the most prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 120356

Enclosures: Submitted documents

cc: Mr. Thomas J. Mosele
Franklin, Mosele & Walker
4200 Westheimer, Suite 130
Houston, Texas 77027
(w/o enclosures)