



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 27, 2009

Ms. Neera Chatterjee
The University of Texas System
Office of the General Counsel
201 West Seventh Street
Austin, Texas 78701-2902

OR2009-02592

Dear Ms. Chatterjee:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 336299.

The University of Texas Medical Branch at Galveston (the "university") received a request for correspondence to and from the university and a named foundation relating to offers of financial assistance from the named foundation to the university during a specified time period, including a specified letter. You claim the requested information is excepted from disclosure under section 552.1235 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the information at Tab 6 is not responsive to the instant request because it is not correspondence to and from the university and the named foundation. The university need not release non-responsive information in response to this request and this ruling will not address that information.

Section 552.1235(a) of the Government Code excepts "the name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education[.]" Gov't Code § 552.1235(a). However, this section does not except from disclosure the amount or value of an individual gift, grant, or donation. *See id.* § 552.1235(b). "Institution of higher education" is defined by section 61.003 of the Education Code. *Id.* § 552.1235(c). Section 61.003 defines an "institution of higher education" as meaning "any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined in this section." Educ. Code § 61.003(8). Because section 552.1235 does not provide a definition of "person," we look to the definition provided in the Code Construction Act. *See* Gov't Code § 311.005. "Person" includes a corporation, organization, government or governmental subdivision or

agency, business trust, estate, trust, partnership, association, and any other legal entity. *Id.* § 311.005(2).

The university seeks to withhold Tab 5, which consists of the specified letter from the named foundation to the university, under section 552.1235. We note, however, that the university maintains on its website information pertaining to named foundation and its history of charitable donations to the university. Thus, the university has released the named foundation's identity to the public. Accordingly, we find that the donor at issue has previously granted the university permission to reveal its identity. Therefore, the university may not withhold any of the information at issue under section 552.1235 of the Government Code. As you raise no additional exceptions against the disclosure of the submitted letter, the university must release it to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Laura E. Ream
Assistant Attorney General
Open Records Division

LER/jb

Ref: ID# 336299

Enc. Submitted documents

cc: Requestor
(w/o enclosures)