



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

April 16, 2009

Mr. Scott A. Kelly  
Interim General Counsel  
The Texas A&M University System  
Office of General Counsel  
200 Technology Way, Suite 2079  
College Station, Texas 77845-3424

OR2009-04998

Dear Mr. Kelly:

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# 341738.

Texas A&M University (the "university") received a request for a list of all donations of \$10,000 or more made to any part of the university's Bush School of Government and Public Service in 2007 or 2008. You claim that the submitted 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.

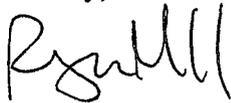
Section 552.1235 of the Government Code excepts from disclosure "the name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education[.]" Gov't Code § 552.1235(a). Section 61.003 of the Education Code defines an "institution of higher education" as 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. *See* Educ. Code § 61.003; *see also* Gov't Code § 552.1235(c). Because section 552.1235 does not provide a definition of "person," we look to the definition provided in the Code Construction Act, which states that "person" includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. *See* Gov't Code § 311.005(2).

You state that the Bush School of Government and Public Service is one of ten colleges of the university, which is an "institution of higher education" as defined by section 61.003. You also state that the information you have marked under section 552.1235 either identifies or tends to identify persons who made donations to this college. It appears that none of these persons are a governmental body and you do not indicate that any of these donors have granted the university permission to reveal their identity. Based on your representations and our review, we agree that the information you have marked identifies persons as donors to an institution of higher education. Accordingly, we conclude that the university must withhold the information you have marked under section 552.1235 of the Government Code. As you raise no further exceptions against disclosure, the university must release the remainder of the submitted information 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](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,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/eb

Ref: ID# 341738

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)