



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 17, 2009

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

OR2009-17886

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# 364630.

The University of Texas Medical Branch at Galveston ("UTMB") received a request for any record showing UTMB is a member of, attends meetings of, or gave money to the Historic Downtown Galveston Partnership from December 2006 to the date of the request and any record showing UTMB involvement with a downtown or port redevelopment plan from December 2006 to the date of the request. You state you will release some information to the requestor. You state you will redact a UTMB employee's home telephone number under section 552.024 of the Government Code.¹ You claim that portions of the submitted information are excepted from disclosure under sections 552.136 and 552.137 of the Government Code. You also state the information may implicate the proprietary interests of CMSS Architects, Ewert & Company, L.L.C., Ford, Powell & Carson, Historic Downtown Galveston Partnership, Historic Downtown Strand Seaport Partnership, and TBD Consulting, Inc. You state, and provide documentation showing, you have notified these third parties of the request and of their opportunity to submit comments to this office as to why the information at issue should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to

¹Section 552.024 authorizes a governmental body to redact from public release a current or former official's or employee's home address, home telephone number, social security number, and information that reveals whether the person has family members without the necessity of requesting a decision from this office under the Act, if the employee or official timely elected to withhold such information. *See* Gov't Code 552.024(a)-(c).

section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have considered the exceptions you claim and reviewed the submitted representative sample of information.² We have also considered comments submitted by the requestor. Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

Initially, we note that the requestor states in her comments that she is not seeking confidential e-mail addresses, telephone numbers, or account numbers. Therefore, this information, which you have marked, is not responsive to the present request. UTMB need not release nonresponsive information in response to this request, and this ruling will not address that information.³

Next, we note that an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any arguments from any third party. We thus have no basis for concluding that any portion of the responsive information constitutes the proprietary information of a third party. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish prima facie case that information is trade secret), 542 at 3. Accordingly, UTMB may not withhold any of the responsive information based on the proprietary interests of a third party. Thus, the responsive information must be released.

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.

² We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

³ As the requestor's comments dispose of your claims under sections 552.136 and 552.137 of the Government Code, we do not address these exceptions, except to note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including credit card numbers under section 552.136 of the Government Code and e-mail addresses of members of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

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, toll free, at (888) 672-6787.

Sincerely,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/eeg

Ref: ID# 364630

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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