



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 8, 2010

Ms. Erin K. Stewart
Assistant General Counsel
University of North Texas
1901 Main Street, Suite 216
Dallas, Texas 75201

OR2010-08362

Dear Ms. Stewart:

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# 382181 (UNT PIR No. 10-127).

The University of North Texas (the "university") received a request for all correspondence from October 1, 2009 to February 28, 2010 pertaining to job performance, salary, budget, tuition, the university system's move to Dallas, crimes or accusations of immoral conduct, and efforts to gain Tier One status between President Gretchen Bataille and her staff and: 1) Chancellor Lee Jackson and his staff, and 2) the Board of Regents and its staff. You state the university has released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.105, 552.107, 552.111, 552.116, 552.117, 552.1235, 552.136, and 552.137 of the Government Code. Additionally, you state that the release of a portion of the submitted information may implicate the proprietary interests of FirstSouthwest. Accordingly, you state and provide documentation showing that you have notified FirstSouthwest of the request and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code § 552.305(d); see also Open Records Decision No. 542 (1990) (determining that statutory predecessor to 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 samples of information.¹

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2010-06608 (2010). As we

¹We assume 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 those records contain substantially different types of information than that submitted to this office.

have no indication that the law, facts, and circumstances on which this ruling was based have changed, the university may continue to rely on Open Records Letter No. 2010-06608 as a previous determination and withhold the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we do not address your arguments.

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

Sincerely,



Jessica Eales
Assistant Attorney General
Open Records Division

JCE/eeg

Ref: ID# 382181

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Mary Williams
FirstSouthwest
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Dallas, Texas 75201
(w/o enclosures)