



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 22, 2010

Ms. YuShan Chang  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR2010-09134

Dear Ms. Chang:

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# 383530.

The City of Houston (the "city") received a request for information relating to efforts to enforce setback and commercial activity restrictions within a particular addition to the city during a specified time interval. You state that some of the requested information either has been or will be released. You take no position on the public availability of the submitted information. You believe, however, that this information may implicate the proprietary interests of Title Data, Inc. You inform us that Title Data was notified of this request for information and of its right to submit arguments to this office as to why the submitted information should not be released.<sup>1</sup> We have reviewed the information you submitted.<sup>2</sup>

An interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its

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<sup>1</sup>See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

<sup>2</sup>This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the city to withhold any information that is substantially different from the submitted information. See Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 5 (1988), 497 at 4 (1988).

reasons, if any, as to why information relating to the third party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from Title Data. Therefore, because Title Data has not demonstrated that any of the information at issue is proprietary for the purposes of the Act, the city may not withhold any of the submitted information on the basis of any interest that Title Data may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Thus, as the city does not claim an exception to disclosure, the submitted information must be released.

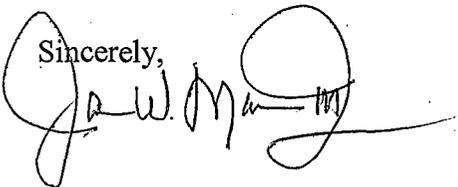
You note, and we agree, that some of the submitted information appears to be protected by copyright law. A governmental body must allow inspection of copyrighted information unless an exception to disclosure applies to the information. *See* Attorney General Opinion JM-672 (1987). An officer for public information also must comply with copyright law, however, and is not required to furnish copies of copyrighted information. *Id.* A member of the public who wishes to make copies of copyrighted information 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 at 8-9 (1990).

In summary, the submitted information must be released in its entirety, but any information that is protected by copyright may only be released in compliance with copyright law.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J.W. Morris, III', with a large, stylized flourish extending to the right.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/tp

Ref: ID# 383530

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

Mr. James P. Sibley  
Title Data, Inc.  
1225 North Loop West, Suite 950  
Houston, Texas 77008  
(w/o enclosures)