



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 10, 2010

Ms. Lauri Schneidau Ruiz  
Assistant General Counsel  
University of Houston System  
East Cullen Building, Suite 311  
Houston, Texas 77204-2162

OR2010-17089

Dear Ms. Ruiz:

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# 399582.

The University of Houston (the "university") received a request for any contracts, leases, and policies and associated agreements currently in force between the university or its associated entities and any entities authorized to lease retail space and sell textbooks in the Calhoun Lofts. While you raise no exceptions on behalf of the university regarding the requested information, you indicate that it may contain proprietary information excepted from disclosure under the Act. Accordingly, you state that you have notified Barnes & Noble College Booksellers, Inc. ("Barnes & Noble"), the interested third party, of the request and of the company's right to submit arguments to this office as to why the requested 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 applicability of exception to disclosure in certain circumstances). We have received and considered comments from an attorney representing Barnes & Noble and reviewed the submitted information. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

In the correspondence submitted to this office, Barnes & Noble indicates it has no objection to the release of the submitted information. As Barnes & Noble does not argue to withhold any of the information submitted by the university, the university may not withhold any portion of the submitted information on the basis of any proprietary interest Barnes & Noble may have in the information. Accordingly, the submitted information must be released 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, toll free, at (888) 672-6787.

Sincerely,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/tp

Ref: ID# 399582

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)