



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 27, 2011

Ms. Valerie Coleman-Ferguson
Associate General Counsel
University of Houston System
311 Ezekiel Cullen Building
Houston, Texas 77204-2028

OR2011-13994

Dear Ms. Coleman-Ferguson:

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# 431108.

The University of Houston (the "university") received a request for information relating to the university's investments.¹ Although you take no position on the public availability of the requested information, you state the information at issue may implicate the proprietary interests of Berwind Property Group; Commonfund Capital, Inc.; EnCap Investments, L.P.; Fisher Lynch Capital; HarbourVest Partners; Newlin Partners, L.P.; and Sustainable Woodlands Fund, L.P. Accordingly, you state, and submit documentation showing, you notified these third parties of the request for information and of their right to submit arguments to this office as to why their submitted information should not be released.² See Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542

¹You initially requested an opinion regarding a second request for information relating to the university's investments. In correspondence dated August 1, 2011, you informed this office you withdraw your request for an opinion regarding the second request because the second requestor has narrowed his request for information and you will release the information subject to the more narrowly tailored request.

²We note 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) to submit its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. See Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the third parties has submitted any comments to this office explaining how release of the submitted information would affect its proprietary interests.

(1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

We note the submitted information is subject to section 552.0225 of the Government Code. Section 552.0225(b) provides in relevant part as follows:

(b) The following categories of information held by a governmental body relating to its investments are public information and not excepted from disclosure under [the Act]:

(1) the name of any fund or investment entity the governmental body is or has invested in;

...

(4) the amount of money, expressed in dollars, the governmental body has committed to a fund or investment entity;

(5) the amount of money, expressed in dollars, the governmental body is investing or has invested in any fund or investment entity;

(6) the total amount of money, expressed in dollars, the governmental body received from any fund or investment entity in connection with an investment;

...

(8) the remaining value of any fund or investment entity the governmental body is or has invested in; [and]

...

(12) a description of all of the types of businesses a governmental body is or has invested in through a fund or investment entity[.]

Gov't Code § 552.0225(b). Upon review, we find the submitted information is subject to section 552.0225(b). Because the exceptions to disclosure found in the Act do not apply to information made public by section 552.0225, the university may not withhold the submitted information on the basis of any proprietary interest any third party may have in the submitted information. *See id.*; Open Records Decision Nos. 623 at 3 (1994) (exceptions in Act inapplicable to information statutes expressly make public), 525 (1989) (exceptions to disclosure do not apply to information made public by other statutes). Therefore, the university must release the submitted information.

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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 431108

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Joe Nahas
Berwind Property Group
3000 Centre Square West
1500 Market Street
Philadelphia, Pennsylvania 19102
(w/o enclosures)

Ms. Karin J. Lugerlund
HarbourVest Partners
One Financial Center, 44th Floor
Boston, Massachusetts 02111
(w/o enclosures)

Ms. Lauren Caplan
Commonfund Capital, Inc.
15 Old Danbury Road
Wilton, Connecticut 06897-0812
(w/o enclosures)

Mr. Bobby Haier
EnCap Investments L.P.
1100 Louisiana Street, Suite 3159
Houston, Texas 77002
(w/o enclosures)

Mr. Brett Fisher
Fisher Lynch Capital
2929 Campus Drive, Suite 420
San Mateo, California 94403
(w/o enclosures)

Mr. Robert Honstein
Newlin Partners, LP
44 Nassau Street, Suite 365
Princeton, New Jersey 08542
(w/o enclosures)

Mr. David Hicks
Sustainable Woodlands Fund, L.P.
4265 San Felipe, Suite 900
Houston, Texas 77027
(w/o enclosures)