



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 7, 2011

Mr. Ronny H. Wall
Associate General Counsel
Texas Tech University System
P.O. Box 42021
Lubbock, Texas 79409-2021

OR2011-16303

Dear Mr. Wall:

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# 435444.

Texas Tech University (the "university") received a request for communications to and from the university president, chancellor, and athletic director, related to Texas A&M University's potential move to the Southeastern Conference, the Big 12 Conference (the "Big 12"), the Longhorn Network, and individual school television networks. You state you will release some responsive information to the requestor. Although you take no position, you state that the release of the remaining information may implicate the proprietary interests of a third party. Accordingly, you state, and provide documentation showing, you notified the Big 12 of the request for information and of its rights to submit arguments to this office as to why the information at issue should not be released. *See Gov't Code § 552.305(d); see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from an attorney for the Big 12. We have considered the submitted arguments and reviewed the submitted information.

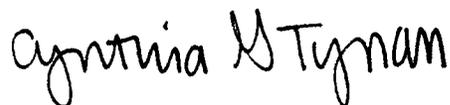
We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2011-16268 (2011). In that ruling, we determined that the university need not release information that was not subject to the Act and must release the remaining submitted information. We have no indication the law, facts, and circumstances on which Open Records Letter No. 2011-16268 was based have

changed. Accordingly, we conclude the university may continue to rely on Open Records Letter No. 2011-16268 as a previous determination and continue to treat the previously ruled upon 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 need not address the arguments against disclosure.

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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/em

Ref: ID# 435444

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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