



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 23, 2012

Mr. R. Brooks Moore  
Managing Counsel, Governance  
The Texas A&M University System  
301 Tarrow Street, Sixth Floor  
College Station, Texas 77840-7896

OR2012-11375

Dear Mr. Moore:

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# 459676 (TAMU 12-213).

Texas A&M University (the "university") received a request for "acquisition records for dogs and cats acquired for use at the veterinary school, excluding . . . biomedical research[.]" during a specified time period. You state some responsive information will be released to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.1235 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.1235 of the Government Code excepts from disclosure "[t]he name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education[.]" Gov't Code § 552.1235(a). "Institution of higher education" is defined by section 61.003 of the Education Code. *Id.* § 552.1235(c). Section 61.003 defines an "institution of higher education" as "any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined in this section." *See* Educ. Code § 61.003.

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

You seek to withhold portions of the submitted information under section 552.1235. You assert the information you have marked "identifies or . . . would tend to disclose the identities of persons who have donated property" to the university. You do not indicate these individuals have given the university permission to release their names and other identifying information. Based upon your representations and our review, we agree portions of the information at issue identify persons who are donors to the university. Because we find that a post office box number does not tend to disclose a person's identity, we conclude that the university may not withhold a donor's post office box number under section 552.1235. Accordingly, we find you have failed to demonstrate the remaining information you have marked identifies individuals in their actual capacity as donors to the university for purposes of section 552.1235. Therefore, except for the information we have marked for release, the university must withhold the information you have marked under section 552.1235 of the Government Code. The remaining information may not be withheld under section 552.1235 of the Government Code and must be released.

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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 459676

Enc. Submitted documents

c: Requestor  
(w/o enclosures)