



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 10, 2012

Ms. Zeena Angadicheril
Office of General Counsel
University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2012-14339

Dear Ms. Angadicheril:

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# 464914 (ORR# 144695).

The University of Texas at Austin (the "university") received a request for all correspondence sent to or from the university's named president between March 1 and June 19, 2012, that include specified words or phrases. You state the university will release some of the requested information. You claim the submitted information is not subject to the Act. You also state you notified the Bowl Championship Series (the "BCS") of the university's receipt of the request for information and of the right of the BCS to submit arguments to this office as to why the requested information should not be released to the requestor. *See Gov't Code § 552.305(d); see also Open Records Decision No. 542 at 3 (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 considered your arguments and reviewed the submitted representative sample of information.¹

¹We assume 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 those records contain substantially different types of information than those submitted to this office.

Section 552.021 of the Government Code provides for public access to “public information.” Gov’t Code § 552.021. Section 552.002 of the Government Code defines public information as “information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it.” *Id.* § 552.002(a). Thus, information that is collected, assembled, or maintained by a third party may be subject to disclosure under the Act if a governmental body owns or has a right of access to the information. *See* Open Records Decision No. 462 (1987); *cf.* Open Records Decision No. 499 (1988). The submitted information consists of communications between the BCS and the university’s president. You assert the president received these communications in his capacity as a member of the president oversight committee of the BCS, not in his capacity as president of the university, and these communications pertain to the decisions and operations of the BCS, not the operations of the university. Having considered the university’s arguments and reviewed the submitted information, we find the submitted information was not “collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business” by or for the university. Gov’t Code § 552.002; *see* Open Records Decision No. 635 (1995) (statutory predecessor not applicable to personal information unrelated to official business and created or maintained by state employee involving *de minimis* use of state resources). Therefore, the submitted information is not subject to the Act, and the university is not required to release it in response to the request for 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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/akg

Ref: ID# 464914

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Bill Hancock
Executive Director
Bowl Championship Series
3965 West 83rd Street #283
Prairie Village, Kansas 66208
(w/o enclosures)