



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 10, 2012

Mr. David H. Guerra
Counsel for the City of Mission
King, Guerra, Davis & Garcia, P.C.
P.O. Box 1025
Mission, Texas 78573

OR2012-16162

Dear Mr. Guerra:

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# 469671.

The City of Mission (the "city"), which you represent, received a request for house plans for a specified address. You do not take a position as to whether the submitted information is excepted from disclosure under the Act. However, in correspondence to this office, Kipp Flores Architects, L.L.C. ("KFA") objects to the release of copies of the information pursuant to federal copyright law. *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 reviewed the submitted arguments and information.

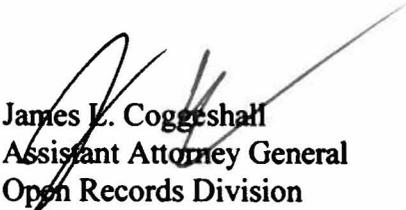
KFA does not object to the release of the requested information under the Act but asserts the information is protected by copyright law and, thus, the requestor may not obtain any copies of it on that ground. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a

copyright infringement suit. Thus, the city must release the submitted information but may only release any copyrighted information in accordance with copyright law.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tch

Ref: ID# 469671

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Louis K. Bonham
Counsel for Kipp Flores Architects, L.L.C.
Osha Liang, L.L.P.
909 Fannin Street, Suite 3500
Houston, Texas 77010
(w/o enclosures)