



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 30, 2013

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

OR2013-15230

Dear Ms. Chatterjee:

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# 498323 (OGC # 150532).

The University of Texas at Austin ("UT-Austin") received a request for ten categories of information pertaining to e-mails, documents, evidence of payment, and contracts pertaining to named individuals, a named company, and a specified position. You state UT-Austin will redact some of the requested information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.¹ You also inform us UT-Austin will redact certain information under section 552.117 of the Government Code, as permitted by section 552.024(c) of the Government Code and bank account and routing numbers under section 552.136 of the Government Code pursuant to

¹We note the United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office FERPA does not permit state and local educational authorities to disclose to this office, without parental consent, unredacted, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Act. The DOE has determined FERPA determinations must be made by the educational authority in possession of the education records. A copy of the DOE's letter to this office is posted on the Attorney General's website at: <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

Open Decision No. 684 (2009).² You claim portions of the submitted information are not subject to the Act. You also claim that the submitted information is excepted from disclosure under sections 552.101, 552.107, 552.111, 552.1235, and 552.137 of the Government Code. Further, you state release of the submitted information may implicate the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, you notified Carnegie Communications, L.L.C. (“Carnegie”); Dub Labs, Inc.; Pew Internet; and Tocquingny of the request and of their right to submit comments to this office as to why the requested information should not be released. *See* Gov’t Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances). We have received correspondence from Carnegie. We have considered the exceptions you claim and reviewed the submitted representative sample of information.³

Initially, UT-Austin has submitted to this office a letter to UT-Austin from the Texas House of Representatives Select Committee on Transparency in State Agency Operations (the “committee”) asking that documents relating to the requestor, including documents related to open records requests made by the requestor, be preserved by UT-Austin. You note the committee requests “that no action be taken by . . . [UT-Austin] that would directly affect . . . access to a document.” We note section 552.301 describes the procedural obligations placed on a governmental body that receives a written request for information it wishes to withhold. This office is required by the Act to issue an open records decision

²Section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, emergency contact information, and family member information of current or former officials or employees of a governmental body. *See* Gov’t Code § 552.117. Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the employee or official or former employee or official chooses not to allow public access to the information. *See id.* §§ 552.117, .024(c). Further, Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including routing and bank account numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision. However, on September 1, 2011, the Texas legislature amended section 552.136 to allow a governmental body to redact the information described in subsection 552.136(b) without the necessity of seeking a decision from the attorney general. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(e). Thus, the statutory amendments to section 552.136 of the Government Code supercede Open Records Decision No. 684 on September 1, 2011. Therefore, a governmental body may only redact information subject to subsection 552.136(b) in accordance with section 552.136, not Open Records Decision No. 684.

³We assume the “representative sample” of information 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.

within a statutorily prescribed period after receiving a request for a ruling from a governmental body. *See* Gov't Code § 552.306(a) (requiring attorney general to “promptly render a decision requested under [the Act], consistent with the standards of due process, determining whether the requested information is within one of the exceptions of [the Act]”). You have not submitted arguments explaining, and we cannot discern, how the committee’s letter impacts this office’s obligations to comply with the Act by issuing a ruling. Furthermore, the committee’s letter does not make the requested information confidential or otherwise except the requested information from disclosure under the Act. Providing a requestor with copies of documents requested under the Act does not in any way impact the preservation of the produced documents. Nor would production of information under the Act in this instance somehow interfere with the committee’s access to the same information. Accordingly, the committee’s letter has no bearing on this open records ruling, and we will address the submitted arguments against disclosure.

Next, we note the purpose of the Act is to prescribe conditions under which members of the general public can obtain information from a governmental body. *See* Attorney General Opinion JM-119 (1983) (statutory predecessor). An official of a governmental body who, in an official capacity, requests information held by the governmental body is not acting as a member of the public in doing so. *Id.* In such a case, the Act is not implicated, and the governmental body must determine, based on its own policies and procedures, whether the requesting official may access the requested information. Generally, a governmental body’s decision to allow information to be circulated within the governmental body would not constitute a release to the public. Thus, internal circulation of information generally will not violate confidentiality protections or waive exceptions to public disclosure.⁴ In sum, when a governmental official is acting in his official capacity, the Act does not control the official’s right of access to information maintained by the governmental body. *See id.* at 3 (member of community college district board of trustees, acting in official capacity, has an inherent right of access to information maintained by district).

In this instance, the requestor indicates he is requesting information as a member of the University of Texas System (the “UT System”) Board of Regents. The request, however, is printed using personal letterhead and explicitly invokes the Act. UT-Austin indicates it has interpreted the request as an attempt by the requestor to obtain the information in his capacity as a private citizen. We cannot resolve any factual dispute that may exist regarding the requestor’s intent. Accordingly, we rule conditionally on this matter. In the event the requestor is acting in his official capacity, we find the present request is not a request by a member of the public under the Act, and we determine that UT-Austin may not withhold the requested information from the requestor pursuant to the Act’s exceptions to required public

⁴Particular confidentiality provisions in the law may contain restrictions on internal circulation of confidential information. When such provisions apply, a governmental body should ensure its internal procedures comply with any such restrictions.

disclosure. *See id.*; *see also id.* JC-120 at 5 (1999) (governmental body may adopt procedure for review of certified agenda or tape recording of closed meeting, but may not absolutely prohibit review by member, even if member did not attend meeting). The internal procedures of the UT System and UT-Austin for releasing information to UT System officials govern whether a member of the Board of Regents, acting in his official capacity, may access information held by UT-Austin. This office cannot resolve an internal dispute about document-management policy that may exist within the UT System.

In the event, however, the requestor is making the present request in his personal capacity as a member of the public, the request falls under the Act, and UT-Austin is entitled by the Act to withhold from the requestor both confidential information and information excepted from disclosure by the Act. Accordingly, we will address the arguments raised against disclosure.⁵

You contend a portion of the responsive information is not subject to the Act. The Act is applicable only to “public information.” *See* Gov’t Code §§ 552.002, .021. Section 552.002(a) defines “public information” as consisting of

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, virtually all the information in a governmental body’s physical possession constitutes public information and is subject to the Act. *See id.* § 552.002(a)(1); *see* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). Information is subject to the Act even if a governmental body does not physically possess it as long as it is collected, assembled, or maintained for the governmental body and the governmental body owns the information or has a right of access to it. Gov’t Code § 552.002(a)(2); *see* Open Records Decision No. 462 at 4 (1987). You inform us some of the information at issue consists of personal e-mails that have no connection with UT-Austin’s business and constitutes incidental use of e-mail by UT-Austin employees. You also inform us this information was not collected or assembled and is not maintained pursuant to any law or ordinance or in connection with the transaction of UT-Austin business. You state UT-Austin policy allows for incidental use of e-mail by employees and officials. Based on your representations and our review of the information at issue, we find some of the submitted

⁵If the request at issue was made by a member of the Board of Regents acting in his official capacity, the remainder of this ruling is not relevant to the requestor’s right of access to the information.

information does not constitute public information for purposes of section 552.002 of the Government Code. *See* Open Records Decision No. 635 at 4 (1995) (section 552.002 not applicable to personal information unrelated to official business and created or maintained by state employee involving *de minimis* use of state resources). Therefore, we conclude some of the e-mails at issue, which we have marked, are not subject to the Act and need not be released in response to the present request for information. However, we find some of the e-mails which you assert are not subject to the Act were, in fact, made in connection with the transaction of official business. Thus, those e-mails, which we have marked, are subject to the Act. Because you have raised no exceptions for these e-mails, they must be released.

You also assert the University of Texas Electronic Identification Numbers (“UTEIDs”) contained in the submitted documents are not subject to the Act. In Open Records Decision No. 581 (1990), this office determined that certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. You inform our office that when combined with an individual’s password, the UTEIDs serve as “the required log on protocol to access the computer mainframe, [UT-Austin’s] centralized hub that runs all its high-level electronic functions.” You indicate the UTEIDs are used solely to access UT-Austin’s computer mainframe and have no other significance other than their use as tools for the maintenance, manipulation, or protection of public information. Based on your representations and our review, we find the UTEIDs contained in the submitted documents do not constitute public information under section 552.002 of the Government Code. Therefore, we conclude the UTEIDs are not subject to the Act and need not be released to the requestor.

Next, we note some of the remaining information consists of information in accounts and invoices subject to section 552.022(a)(3) of the Government Code. Section 552.022(a)(3) provides for the required public disclosure of “information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]” unless the information is made confidential under the Act or other law. Gov’t Code § 552.022(a)(3). Although you seek to withhold this information under sections 552.107 and 552.111 of the Government Code, we note these are discretionary exceptions to disclosure that protect a governmental body’s interests and may be waived. *See id.* § 552.007; Open Records Decision Nos. 663 (1999) (governmental body may waive section 552.111), 677 at 10 (2002) (attorney work product privilege under section 552.111 may be waived), 676 at 10-11 (attorney-client privilege under section 552.107(1) may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally). Accordingly, sections 552.107 and 552.111 do not make information confidential for purposes of section 552.022(a)(3), and UT-Austin may not withhold this information on those bases. However, the Texas Supreme Court has held the Texas Rules of Civil Procedure and Texas Rules of Evidence are “other law” within the meaning of section 552.022. *See In re*

City of Georgetown, 53 S.W.3d 328, 336 (Tex. 2001). The attorney-client privilege is found under rule 503 of the Texas Rules of Evidence, and the attorney work product privilege is found under rule 192.5 of the Texas Rules of Civil Procedure. Accordingly, we will consider your assertions of the attorney-client privilege under Texas Rule of Evidence 503 and the work product privilege under Texas Rule of Civil Procedure 192.5. Additionally, because section 552.101 of the Government Code can make information confidential, we will address the applicability of this exception to the information subject to section 552.022.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This exception encompasses information other statutes make confidential, such as section 51.971 of the Education Code, which provides, in part:

(e) Information is excepted from disclosure under [the Act] if it is collected or produced:

(1) in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation[.]

Educ. Code § 51.971(e)(1). Section 51.971 defines a compliance program as “a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies[.]” *Id.* § 51.971(a)(1). We note UT-Austin is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). You assert portions of the submitted information pertain to an investigation into allegations of employee misconduct. You state the investigation is being conducted by UT-Austin’s Office of General Counsel and Systemwide Compliance Office. You further state the purpose of the review is to assess and ultimately ensure compliance with all applicable law, rules, regulations, and policies. Based on your representations and our review, we agree the information at issue pertains to UT-Austin’s compliance program for purposes of section 51.971. *See id.* § 51.971(a). You inform this office the information at issue pertains to an ongoing compliance investigation and release of the information at this time would interfere with, and potentially compromise, that investigation. Accordingly, we conclude UT-Austin must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) of the Education Code.⁶

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the

⁶As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

publication of which would be highly objectionable to a reasonable person and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Additionally, this office has concluded some kinds of medical information are generally highly intimate or embarrassing. *See* Open Records Decision No. 455 (1987). Upon review, we find the information you have marked satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Accordingly, UT-Austin must withhold the information you have marked under section 552.101 of the Government Code in conjunction with common-law privacy.⁷

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. Gov't Code § 552.107(1). When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. ORD 676 at 6-7. First, a governmental body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made "for the purpose of facilitating the rendition of professional legal services" to the client governmental body. TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in a capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies to only communications between or among clients, client representatives, lawyers, and lawyer representatives. TEX. R. EVID. 503(b)(1). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies to only a confidential communication, *id.*, meaning it was "not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." *Id.* 503(a)(5). Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, orig. proceeding). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been

⁷As our ruling is dispositive for this information, we need not address your remaining argument against its disclosure.

maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You state the information you have marked constitutes communications between UT-Austin employees and attorneys that were made for the purpose of facilitating the rendition of professional legal services to UT-Austin. You also state the communications were intended to be confidential and have remained confidential. Based on your representations and our review, we find UT-Austin may withhold the information you have marked under section 552.107(1) of the Government Code.⁸

Section 552.111 of the Government Code excepts from disclosure “[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency[.]” Gov’t Code § 552.111. This exception encompasses the deliberative process privilege. *See Open Records Decision No. 615 at 2* (1993). The purpose of section 552.111 is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process. *See Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, no writ); *Open Records Decision No. 538 at 1-2* (1990).

In *Open Records Decision No. 615*, this office re-examined the statutory predecessor to section 552.111 in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ). We determined section 552.111 excepts from disclosure only those internal communications that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. *See ORD 615 at 5*. A governmental body’s policymaking functions do not encompass routine internal administrative or personnel matters, and disclosure of information about such matters will not inhibit free discussion of policy issues among agency personnel. *Id.*; *see also City of Garland v. Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000) (section 552.111 not applicable to personnel-related communications that did not involve policymaking). A governmental body’s policymaking functions do include administrative and personnel matters of broad scope that affect the governmental body’s policy mission. *See Open Records Decision No. 631 at 3* (1995).

Further, section 552.111 does not protect facts and written observations of facts and events severable from advice, opinions, and recommendations. *Arlington Indep. Sch. Dist. v. Tex. Attorney Gen.*, 37 S.W.3d 152 (Tex. App.—Austin 2001, no pet.); *see ORD 615 at 5*. But if factual information is so inextricably intertwined with material involving advice,

⁸As our ruling on this information is dispositive, we need not address your remaining argument against its disclosure.

opinion, or recommendation as to make severance of the factual data impractical, the factual information also may be withheld under section 552.111. *See* Open Records Decision No. 313 at 3 (1982).

This office has also concluded a preliminary draft of a document intended for public release in its final form necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document, so as to be excepted from disclosure under section 552.111. *See* Open Records Decision No. 559 at 2 (1990) (applying statutory predecessor). Section 552.111 protects factual information in the draft that also will be included in the final version of the document. *See id.* at 2-3. Thus, section 552.111 encompasses the entire contents, including comments, underlining, deletions, and proofreading marks, of a preliminary draft of a policymaking document that will be released to the public in its final form. *See id.* at 2.

Section 552.111 can also encompass communications between a governmental body and a third party, including a consultant or other party with a privity of interest. *See* Open Records Decision No. 561 at 9 (1990) (section 552.111 encompasses communications with party with which governmental body has privity of interest or common deliberative process). For section 552.111 to apply, the governmental body must identify the third party and explain the nature of its relationship with the governmental body. Section 552.111 is not applicable to a communication between the governmental body and a third party unless the governmental body establishes it has a privity of interest or common deliberative process with the third party. *See* ORD 561.

You seek to withhold some of the remaining information under section 552.111 of the Government Code. You state the information at issue consists of advice, opinions, and recommendations of employees and officials of UT-Austin. You further state that portions of the information at issue consist of draft documents that were intended to be released in their final form. Upon review, we find UT-Austin may withhold the information we have marked under section 552.111 of the Government Code. However, we find the remaining information at issue either consists of information that is administrative or purely factual in nature or was communicated with individuals with whom you have not demonstrated UT-Austin shares a privity of interest or common deliberative process. Accordingly, UT-Austin may not withhold any portion of the remaining information at issue under section 552.111 of the Government Code.

Section 552.1235 of the Government Code excepts from disclosure "the 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). For purposes of this exception, "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 meaning "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.” Educ. Code § 61.003(8). Because section 552.1235 does not provide a definition of “person,” we look to the definition provided in the Code Construction Act. *See* Gov’t Code § 311.005. “Person” includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. *Id.* § 311.005(2).

You inform us the information at issue identifies a donor to one of the UT System’s component institutions who has not given permission to release his name or other identifying information. However, we note the individual at issue is publicly identified as a donor on the website of the institution at issue. Thus, release of the information at issue will not “disclose the identity” of the donor because the donor’s identity is already publicly known. Accordingly, we conclude UT-Austin may not withhold the information you have marked under section 552.1235 of the Government Code.

You state UT-Austin will redact the e-mail addresses you have indicated pursuant to Open Records Decision No. 684, a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision. *See* ORD 684. Section 552.137 excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body,” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). Gov’t Code § 552.137(a)-(c). Section 552.137 is not applicable to an institutional e-mail address, an Internet website address, or an e-mail address that a governmental entity maintains for one of its officials or employees. Under section 552.137, a governmental body must withhold the e-mail address of a member of the general public, unless the individual to whom the e-mail address belongs affirmatively consents to its public disclosure. *See id.* § 552.137(b). You state UT-Austin has not received affirmative consent for the release of these e-mail addresses. It appears some of the e-mail addresses at issue belong to agents of companies with contractual relationships with UT-Austin. *See id.* § 552.137(c)(1), (2). Because we are unable to discern whether the e-mail addresses you have marked fall within the scope of section 552.137(c), we must rule conditionally. To the extent the marked e-mail addresses belong to members of the public, UT-Austin must withhold the e-mail addresses under section 552.137. *See id.* § 552.137(b). However, to the extent the marked e-mail addresses belong to agents of companies with contractual relationships with UT-Austin, the e-mail addresses may not be withheld under section 552.137 of the Government Code.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body’s notice to submit its reasons, if any, as to why information relating

to that party should not be released. *See id.* § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from any of the third parties. Thus, these parties have not demonstrated they have a protected proprietary interest in any of the remaining information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, UT-Austin may not withhold the information at issue on the basis of any proprietary interests these third parties may have in the information.

You state, and we agree, portions of the remaining information may be protected by copyright. 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.

In summary, in the event the requestor is requesting the responsive information in his official capacity, we find the present request is not a request by a member of the public under the Act, and UT-Austin may not withhold the requested information from the requestor pursuant to the Act's exceptions to required public disclosure. Internal UT System and UT-Austin policies regarding access by members of the Board of Regents to information, not the rulings of this office, govern a request for information made to UT-Austin by a member of the Board of Regents acting in his official capacity. In the event the requestor is requesting the information in his personal capacity, we find the e-mails we have marked and the UTEIDs are not subject to the Act and need not be released. UT-Austin must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) of the Education Code and common-law privacy. UT-Austin may withhold the information you have marked under section 552.107(1) of the Government Code and the information we have marked under section 552.111 of the Government Code. UT-Austin must withhold the e-mail addresses you have marked under section 552.137 of the Government Code, unless the e-mail addresses belong to agents of companies with contractual relationships with UT-Austin. UT-Austin must release the remaining submitted information; however, any information subject to copyright may be released only 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/bhf

Ref: ID# 498323

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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