



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 7, 2014

Ms. Cynthia Tynan  
Attorney and Public Information Coordinator  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR2014-17907

Dear Ms. Tynan:

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# 538945 (OGC No. 157187).

The University of Texas at Austin (the "university") received a request for any bundled site license contracts signed with ten specified publishers. Although you take no position as to whether the submitted information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Houston Academy of Medicine, Cambridge University Press, Nature Publishing Group, Oxford University Press, and Springer Science & Business Media, L.L.C. Accordingly, you notified these third parties of the request for information and of each company's right to submit arguments to this office as to why the submitted information 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 Act in certain circumstances). We have reviewed the submitted information.

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 Gov't Code* § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from any of the third parties. Thus, the third parties have not demonstrated the companies have protected proprietary interests in any of the submitted 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)

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(party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the university may not withhold the submitted information on the basis of any proprietary interests any of the third parties may have in the information. As no exceptions to disclosure have been raised, the university must release the submitted 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,



Britni Fabian  
Assistant Attorney General  
Open Records Division

BF/bhf

Ref: ID# 538945

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. James Hurtt  
Nature Publishing Group  
9<sup>th</sup> Floor  
75 Varick Street  
New York, New York 10013  
(w/o enclosures)

Mr. Syed Hasan  
President STM Sales Americas  
Springer Science & Business Media  
233 Spring Street  
New York, New York 10013-1578  
(w/o enclosures)

Houston Academy of Medicine  
1515 Herman Drive  
Houston, Texas 77004-7126  
(w/o enclosures)

Cambridge University Press  
32 Avenue of the Americas  
New York, New York 10013  
(w/o enclosures)

Ms. Francesca Martin  
Sales Manager - North America  
Oxford Journals  
Oxford University Press  
Great Clarendon Street  
Oxford OX2 6DP  
UK  
(w/o enclosures)