



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 4, 2017

Ms. Jessica Vu
Assistant General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR2017-07037

Dear Ms. Vu:

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# 651596 (OOG ID# 17-011).

The Office of the Governor (the "governor's office") received a request for communications pertaining to a specified facility during a specified time period between a named individual or his office and certain third parties, as well as any unspecified state or federal agencies.¹ You state you are releasing some information to the requestor. You state the submitted information may be protected by copyright. You also state release of the submitted information may implicate the interests of the National Nuclear Security Administration ("NNSA"). Accordingly, you notified NNSA of the request for information and of its right to submit arguments stating why its information should not be released. *See* Gov't Code § 552.304 (interested party may submit written comments stating why information should or should not be released). We have considered the submitted argument and reviewed the submitted information.

¹We note the governor's office sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

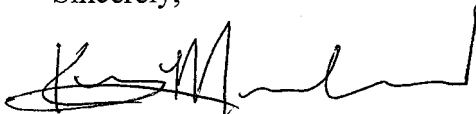
As of the date of this letter, we have not received any comments from NNSA explaining why any portion of the submitted information should not be released to the requestor.

You claim some of the submitted 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. As no exceptions to disclosure have been raised, the governor's office must release the submitted information; however, any information protected by copyright may only be released 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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/sdk

Ref: ID# 651596

Enc. Submitted documents

c: Requestor
(w/o enclosures)