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ATTORNEY GENERAL OF TEXAS

May 1, 2017

Ms. Cynthia Tynan
Senior Attorney and Public Information Coordinator
Office of the General Counsel
University of Texas System
201 West Seventh Street, Suite 600
Austin, Texas 78701-2901

OR2017-09205

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# 659339 (OGC# 174368).

The University of Texas M. D. Anderson Cancer Center (the "university") received a request for information pertaining to donations made by named individuals and organizations for specified events. The university claims the requested information is excepted from disclosure under section 552.1235 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

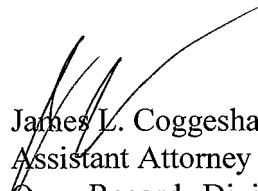
Section 552.1235(a) of the Government Code excepts from disclosure "[t]he name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education[.]" Gov't Code § 552.1235(a). 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). Because the request is for information pertaining to donations made by named individuals and organizations, the existence of any responsive information necessarily reveals the identity of a donor to the university. Consequently, to the extent any responsive information exists, the university must withhold it under section 552.1235 of the Government Code.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 659339

Enc. Submitted documents

c: Requestor
(w/o enclosures)