



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 13, 2017

Ms. Julie A. Masek
Assistant General Counsel
Office of General Counsel
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2017-25897

Dear Ms. Masek:

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# 683545 (R001533-082417).

The Texas A&M University System (the "system") received a request for information pertaining to a specified contract. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of Deloitte Consulting, L.L.P. ("Deloitte"). Accordingly, you state, and provide documentation showing, you notified Deloitte of the request for information and of its 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 the Act in certain circumstances). We have received comments from Deloitte. We have reviewed the submitted information and the submitted arguments.

We note the submitted information consists of information that is subject to section 2261.253 of the Government Code. Section 2261.253(a) provides, in relevant part, as follows:

- (a) For each contract for the purchase of goods or services from a private vendor, each state agency shall post on its Internet website:

(1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring competitive bidding before selection of the contractor, until the contract expires or is completed[.]

Gov't Code § 2261.253(a)(1). The contract at issue is valued at more than \$15,000, is between the system, which is a state agency, and a private vendor for the purchases of services, and the contract is not expired or completed. *See id.* §§ 2261.002(2) (“state agency” has meaning assigned by Gov't Code § 2151.002), 2151.002(3) (“state agency” includes university system or institution of higher education as defined by Educ. Code § 61.003). Deloitte seeks to withhold portions of the submitted information under sections 552.104 and 552.110 of the Government Code. However, we note the exceptions to disclosure found in the Act do not generally apply to information that other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Additionally, although Deloitte argues the information at issue is subject to the amendments made to section 2261.253 by the 85th Legislature, we note the amendments “apply only in relation to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers or qualifications on or after the effective date of this Act.” *See* Act of May 29, 2017, 85th Leg., R.S., ch. 556, § 17, 2017 Tex. Sess. Law Serv. 1535, 1540. Accordingly, the system may not withhold the information at issue under sections 552.104 or 552.110 of the Government Code. Consequently, the system must release the submitted information pursuant to section 2261.253 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,



D. Michelle Case
Attorney
Open Records Division

DMC/som

Ref: ID# 683545

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)