



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 22, 2018

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

OR2017-26641A

Dear Ms. Marshall:

This office issued Open Records Letter No. 2017-26641 (2017) on November 21, 2017. We have determined the prior ruling should be corrected. *See* Gov't Code §§ 552.306, .352. Accordingly, we hereby withdraw the prior ruling. This decision is substituted for Open Records Letter No. 2017-26641 and serves as the correct ruling. *See generally id.* § 552.011 (Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act"), chapter 552 of the Government Code). This ruling was assigned ID# 695284 (ORR# 172649704).

Texas A&M University (the "university") received a request for information pertaining to IMG College Licensing ("IMG"), including any agreement for third-party licensing services, and revenue for certain types of apparel. The university informs us it has released a requested agreement with IMG (the "agreement"). The university does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, the university states, and provides documentation showing, it notified IMG of the university's receipt of the request for information and of IMG's right to submit arguments 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 at 3 (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 IMG objecting to the release of some of the information at issue. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the university only submitted three reports pertaining to trademark licensing and, as noted above, has released a responsive agreement. We assume, to the extent any

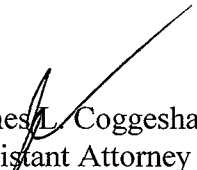
additional responsive information existed when the university received the request for information, the university has also released it. If not, then the university must do so immediately. See Gov't Code §§ 552.006, .301, .302; Open Records Decision No. 664 (2000).

IMG seeks to withhold a portion of the requested agreement. However, as noted above, the university informs us it has already released the agreement. Therefore, we do not address IMG's arguments to withhold it. We also note IMG does not seek to withhold any of the information in the submitted reports under the Act. Accordingly, as we have not received any arguments to withhold the submitted reports, the university must release them to the requestor.

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/tdw

Ref: ID# 695284

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)