



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 5, 2018

Ms. Ana Vieira Ayala  
Assistant General Counsel & Public Information Officer  
University of Texas System  
210 West Seventh Street  
Austin, Texas 78701-2901

OR2018-00356

Dear Ms. Ayala:

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# 691927 (OGC# 178029).

The University of Texas at Austin (the "university") received a request for the names of those who contributed to a construction project for a specified building. The university states it has released some of the requested information, but claims the submitted information is excepted from disclosure under section 552.1235 of the Government Code. We have considered the claimed exception and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

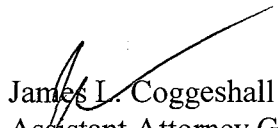
Section 552.1235 of the Government Code excepts from disclosure "[t]he name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education[.]" Gov't Code § 552.1235(a). For purposes of this exception, "institution of higher education" is defined by section 61.003 of the Education Code. *Id.* § 552.1235(c). The University of Texas System is an "institution of higher education" as defined by section 61.003(8) of the Texas Education Code. 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). The requestor asserts none of the requested information is confidential under section 552.1235 because the individuals at issue donated money to the University of Texas Board of Regents (the “board”), and the board is not an institution of higher education for purposes of that section. However, the university states the submitted information consists of a list of “donors to the [u]niversity[,]” which is an institution of higher education. *See id.* § 61.003(6), (8). Based on this representation, we agree the university must withhold the submitted information 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](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# 691927

Enc. Submitted documents

c: Requestor  
(w/o enclosures)