



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 22, 2018

Ms. Jennifer Burnett
Attorney & Public Information Coordinator
Office of General Counsel
The University of Texas System
210 West Seventh Street
Austin, Texas 78701-2902

OR2018-04146

Dear Ms. Burnett:

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# 696654 (OGC# 178697).

The University of Texas Health Science Center at San Antonio (the "university") received a request for information pertaining to certain responses for a specified request for proposals ("RFP"). You state you will release some information. Although you take no position on the submitted information, you state release of this information may implicate the proprietary interests of BLR Further; Lewis Communications, Inc. ("Lewis"); Rucker & Company; and Ten Adams. Accordingly, you state you notified the third parties of the requests for information and of their right to submit arguments to this office as to why the information at issue 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 Lewis. We have considered the submitted arguments and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2017-27718 (2017). In that ruling, we concluded, in relevant part, (1) the university may withhold Lewis' information we have marked under section 552.104(a) of the Government Code; (2) to the extent Lewis's client information is not publicly available on the company's website, the university must withhold Lewis's client information under section 552.110(a) of the Government Code; (3)

the university must release the remaining information; however, any information protected by copyright may only be released in accordance with copyright law. As we have no indication the law, facts, or circumstances on which the previous ruling was based have changed, the university must continue to rely on Open Records Letter No. 2017-27718 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address the arguments against disclosure.

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,



Jahanna Ward
Assistant Attorney General
Open Records Division

JW/tdw

Ref: ID# 696654

Enc. Submitted documents

c: Requestor
(w/o enclosures)

4 Third Parties
(w/o enclosures)