



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 28, 2019

Ms. Lori J. Robinson
Counsel for the Austin Community College District
Bickerstaff Heath Delgado Acosta, LLP
3711 South MoPac Expressway, Building One, Suite 300
Austin, Texas 78746

OR2019-05577

Dear Ms. Robinson:

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# 754097 (Ref. No. 1936).

Austin Community College (the "college"), which you represent, received a request for information pertaining to a specified solicitation. Although you take no position as to whether the requested information is excepted under the Act, you state release of the requested information may implicate the proprietary interests of Brainfuse, Inc. ("Brainfuse"). Accordingly, you state, and provide documentation showing, the college notified Brainfuse 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).

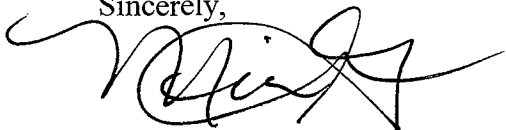
The college states the requested information was the subject of previous requests for information, as a result of which this office issued Open Records Letter No. 2019-00227 (2019). In that ruling, we determined (1) to the extent the customer information pertaining to Brainfuse, Pearson, and Tutor.com has not been published on the companies' websites, the college must withhold the information we marked under section 552.110(a) of the Government Code; (2) the college must withhold the information we marked under section 552.110(b) of the Government Code; (3) the college must withhold the insurance

policy numbers in the remaining information under section 552.136 of the Government Code; and (4) the college must release the remaining information; however, the college may only release any information subject to copyright in accordance with copyright law. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the college must rely on Open Records Letter No. 2019-00227 as a previous determination and withhold or release the identical 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).

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,



Michelle Garza
Assistant Attorney General
Open Records Division

MG/mo

Ref: ID# 754097

Enc.

c: Requestor

Third Party