



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 22, 2019

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

OR2019-23389

Dear Ms. Marshall:

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# 782116.

The Texas A&M Transport Institute (the "institute") received a request for e-mails from a named individual over a specified time period. You state the institute released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 51.914 of the Education Code, which provides, in pertinent part, the following:

(a) In order to protect the actual or potential value, the following information is confidential and is not subject to disclosure under [the Act], or otherwise:

...

(2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a

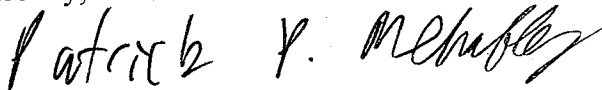
person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties[.]

Educ. Code § 51.914(a)(2). We note section 51.914 is not applicable to working titles of experiments or other information that does not reveal the details of the research. *See* Open Records Decision Nos. 557 at 3 (1990), 497 at 6-7 (1988). You seek to withhold the information you marked under section 51.914(a)(2). You state the institute is part of an institution of higher education. *See* Educ. Code § 61.003(6), (8). You inform us the submitted information contains confidential and proprietary information from a company that was disclosed to the institute for the purposes of a proposed research project. Further, you state the institute has an agreement with this company containing provisions prohibiting the institute from disclosing the proprietary information to any third parties. Based on your representations and our review of the information at issue, we find you demonstrated the applicability of section 51.914(a)(2) of the Education Code to the information at issue. Accordingly, the institute must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.914(a)(2) of the Education Code. As you claim no other exception against disclosure, the institute must release the remaining information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Patrick P. Mehaffy
Assistant Attorney General
Open Records Division

PPM/mo

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Enc. Submitted documents

c: Requestor
(w/o enclosures)