



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 10, 2020

Mr. Nathan Christopher
Assistant General Counsel
Texas Tech University System
3601 4th Street, Suite 2B-137, Mail Stop 6246
Lubbock, Texas 79430

OR2020-03866

Dear Mr. Christopher:

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# 810737.

The Texas Tech University Health Sciences Center (the "university") received a request for a specified contract. You claim the submitted information is excepted from disclosure under sections 552.104 and 552.110 of the Government Code. Additionally, you state release of the submitted information may implicate the proprietary interests of Management & Training Corporation ("MTC"). Accordingly, you state, and provide documentation showing, the university notified MTC 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). We have received comments from MTC. We have considered the submitted arguments and reviewed the submitted information.

You inform us the information at issue was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2019-32665 (2019). In that ruling, we determined the university may withhold the information at issue under section 552.104 of the Government Code. You state the law, facts, and circumstances on which the prior ruling was based have not changed. Thus, the university may continue to rely on Open Records Letter No. 2019-32665 as a previous determination and withhold the information at issue 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 a 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 submitted arguments.

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,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal flourish extending to the right.

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/be

Ref: ID# 810737

Enc. Submitted documents

c: Requestor
(w/o enclosures)