



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 31, 2020

Ms. Tammy McDonald  
Public Information Officer  
Del Mar College  
101 Baldwin Boulevard  
Corpus Christi, Texas 78404-3897

OR2020-09806

Dear Ms. McDonald:

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# 819546 (ORR 020-009 and 0010).

Del Mar College (the "college") received two requests from the same requestor for professor and student evaluations pertaining to a named individual for a specified period of time. Although the college takes no position as to the disclosure of the requested information, you state that release of this information may implicate the privacy interests of an individual. Accordingly, you state you have notified the individual of the requests and of the individual's opportunity to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information. As of the date of this letter, we have not received any comments from the individual explaining why any portion of the information should not be released to the requestor.

We note some of the materials at issue may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. The

college must release the submitted information; however, any information that is subject to copyright may be released only in accordance with copyright law.

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,

Paige Lay  
Assistant Attorney General  
Open Records Division

PL/jxd

Ref: ID# 819546

c: Requestor

Third Party