



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 26, 2020

Ms. Britney Long
Counsel for the City of Hutto
Bojorquez Law Firm
11675 Jollyville Road, Suite 300
Austin, Texas 78759-4105

OR2020-16609

Dear Ms. Long:

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# 833059 (Reference No. R001082-033020).

The City of Hutto (the "city"), which you represent, received a request for a particular contract. Although the city takes no position as to whether the submitted information is excepted from disclosure, you state release of this information may implicate the proprietary interests of CenturyLink Communications, LLC ("CenturyLink"). Accordingly, you state, and provide documentation showing, the city notified CenturyLink of the request for information and of the 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 CenturyLink raising no objections to release of its information. We have reviewed the submitted information.

We note the submitted information 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. Therefore,

the city must release the submitted information; however, any information subject to copyright may only be released 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,

Erin Groff
Assistant Attorney General
Open Records Division

EMG/jxd

Ref: ID# 833059

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)