



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 2, 2020

Ms. Cynthia Tynan  
Assistant General Counsel  
The University of Texas System  
210 West 7th Street  
Austin, Texas 78701-2901

OR2020-21823A

Dear Ms. Tynan:

This office issued Open Records Letter No. 2020-21823 (2020) on August 31, 2020. Since that date, we have received new information that affects the facts on which this ruling was based. Consequently, this decision serves as the corrected ruling and is a substitute for Open Records Letter No. 2020-21823. *See* generally Gov't Code § 552.011 (providing that this office may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act"), chapter 552 of the Government Code). This ruling was assigned ID# 855803 (UT OGC# 197713).

The University of Texas at Austin (the "university") received a request for four categories information pertaining to the university's athletic department. The university states it is withholding and releasing some information in accordance with numerous prior rulings. Although the university takes no position as to whether the submitted information is excepted under the Act, the university states release of the submitted information may implicate the proprietary interests of San Jose State University ("SJSU"). Accordingly, the university states, and provides documentation showing, it notified SJSU 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 reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received

comments from SJSU explaining why the submitted information should not be released. Therefore, we have no basis to conclude SJSU has a protected proprietary interest in the submitted information, and the university may not withhold any portion of it on that basis. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the university must release the submitted 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,

Gerald A. Arismendez  
Assistant Attorney General  
Open Records Division

GAA/jxd

Ref: ID# 855803

Enc. Submitted documents

c: Requestor  
(w/o enclosures)