



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 1, 2020

Mr. Ronny Wall
Senior Associate General Counsel
Texas Tech University
P.O. Box 42021
Lubbock, Texas 79409

OR2020-21973

Dear Mr. Wall:

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# 841946.

The Texas Tech University System (the "system") received two requests from different requestors for a specified licensing agreement with Elsevier B.V. ("Elsevier"). Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Elsevier. Accordingly, you state, and provide documentation showing, you notified Elsevier of the request for information and of their 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 Elsevier explaining why its information should not be released. Therefore, we have no basis to conclude Elsevier has a protected proprietary interest in the submitted information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the system may not

withhold any of the information at issue on the basis of any proprietary interest Elsevier may have in it. The system 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,

Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/be

Ref: ID# 841946

c: Requestor

2 Third Parties