



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 15, 2020

Mr. Jeffrey D. Palmer
Associate General Counsel
The University of Houston
311 East Cullen Building
Houston, Texas 77204-2028

OR2020-23281

Dear Mr. Palmer:

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# 844918 (ORR# IR06568).

The University of Houston (the "university") received a request for a specified contract. 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 Houston Astros, LLC (the "Astros"). Accordingly, the university states, and provides documentation showing, it notified the Astros 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 received comments from the Astros. We have reviewed the submitted arguments and the submitted information.

Initially, we note section 2261.253 of the Government Code provides, in relevant part, as follows:

(a) For each contract for the purchase of goods or services from a private vendor, each state agency shall post on its Internet website:

(1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring

competitive bidding before selection of the contractor, until the contract expires or is completed[.]

Gov't Code § 2261.253(a)(1). The submitted contract is between the university, a state agency, and The Astros, a private vendor, for the purchase of goods or services. Further, the contract has neither expired nor been completed. Accordingly, we find the submitted contract is a contract described by section 2261.253.

The Astros raise section 552.110 of the Government Code for the submitted contract. Section 552.0222 of the Government Code provides, in relevant part:

(b) The exceptions to disclosure provided by Sections 552.110 and 552.1101 do not apply to the following types of contracting information:

(1) a contract described by Section 2261.253(a), excluding any information that was properly redacted under Subsection (e) of that section[.]

Id. § 552.0222(b)(1). As noted above, the submitted contract is a contract described by section 2261.253(a). Additionally, we have no indication any portion of the submitted contract was properly redacted under section 2261.253(e). Although the Astros raise section 552.110, section 552.0222 expressly states this exception does not apply to a contract described by section 2261.253(a). Accordingly, we do not address the Astros's argument against disclosure under this exception. As no other exceptions to disclosure have been raised, the university must release the submitted contract.

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,

Katie Stallcup
Assistant Attorney General
Open Records Division

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Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)