



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 6, 2020

Mr. Jeffrey W. Giles  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2020-27995

Dear Mr. Giles:

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# 852831 (COH GC Nos. 26902, 26904, and 26910).

The City of Houston (the "city") received three requests from the same requestor for contracts and change orders between the city and a specified company. The city claims the submitted information is excepted from disclosure under section 552.160 of the Government Code. We have considered the exception the city claims and reviewed the submitted information. We have also received and considered comments from the requestor.<sup>1</sup> *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.160 of the Government Code provides, in relevant part:

(b) Except as provided by Subsection (c), the following information maintained by a governmental body is confidential:

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<sup>1</sup> We note the requestor asserts the city did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(d). Nonetheless, because section 552.160 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider the submitted arguments. *See id.* §§ 552.007, .302, .352

(1) the name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;

(2) the name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; [and]

(3) any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.

(c) The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.

Gov't Code § 552.160(b), (c); *see also id.* § 552.160(a); *id.* § 418.004(1) (defining “disaster” for purposes of section 552.160). The city states the submitted information consists of confidential information concerning business entities or owners of business entities who applied for disaster recovery assistance. Based on the city’s representations and our review, we find section 552.160 is applicable to some of the information at issue. Accordingly, the city must withhold the information we marked under section 552.160 of the Government Code. However, we find the city failed to demonstrate the remaining information identifies or tends to identify a business entity, an owner of a business entity, a person, or household that applied for state or federal disaster recovery funds. Thus, the city may not withhold any portion of the remaining information under section 552.160 of the Government Code.

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.

In summary, the city must withhold the information we marked under section 552.160 of the Government Code. The city must release the remaining 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,

Gerald A. Arismendez  
Assistant Attorney General  
Open Records Division

GAA/gw

Ref: ID# 852831

Enc. Submitted documents

c: Requestor  
(w/o enclosures)