



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 6, 2020

Ms. Cynthia Tynan
Assistant General Counsel & Public Information Coordinator
The University of Texas System
210 West 7th Street
Austin, Texas 78701-2903

OR2020-28015

Dear Ms. Tynan:

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# 853241 (OGC# 198549).

The University of Texas at El Paso (the "university") received a request for certain employment information pertaining to named individuals and specified contracting information. You state the university will release some of the requested information. Although you take no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the proprietary interests of The Aspire Sport Marketing Group, Ticketmaster, and Van Wagner Sports & Entertainment, LLC ("Van Wagner"). Accordingly, you state, and provide documentation showing, you notified the third parties of the request and their right to submit arguments to this office. *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 Van Wagner. We have reviewed the submitted arguments and reviewed the submitted information.

Initially, the university states a portion of the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2020-24266 (2020). In that ruling, we determined the university must release the submitted information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the university must rely on Open Records Letter No. 2020-24266 as a previous determination and release the

identical information in accordance with that ruling.¹ *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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) of the Government Code 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 the remaining third parties explaining why the remaining information should not be released. Thus, we have no basis to conclude either third party has a protected proprietary interest in the information at issue. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Therefore, the university may not withhold any portion of the remaining information on the basis of any proprietary interest either remaining third party may have in the information.

In summary, the university must rely on Open Records Letter No. 2020-24266 as a previous determination and release the identical information in accordance with that ruling. The university also must release the remaining 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,

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/gw

¹ As we are able to make this determination, we need not address Van Wagner's arguments against disclosure of this information.

Ref: ID# 853241

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: 3 Third Parties
(w/o enclosures)