



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 18, 2022

Mr. Jeffrey D. Palmer
Deputy General Counsel
University of Houston
4800 Calhoun, Room 311
Houston, Texas 77004

OR2022-01416

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# 925271 (Ref. No. IR07260).

The University of Houston (the "university") received a request for communications between a named individual and three named university employees during a stated period of time, contracts or certain agreements between the university and a specified entity, and the budget of a specified clinic, including information pertaining to funding provided by the university or the entity specified in the request.¹ You state the university has released some information to the requestor. You claim the remainder of the requested information is excepted from disclosure under sections 552.101, 552.104, and 552.1235 of the Government Code. Additionally, you state the request may implicate the proprietary interests of a named individual. Accordingly, you state, and provide documentation demonstrating, the university notified the interested third party of the request for information and of her 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

¹ You state, and provide documentation demonstrating, the university sought and received clarification of the information requested. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

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 considered the exceptions you claim.

Section 552.1235 of the Government Code excepts from disclosure “[t]he name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education[.]” Gov’t Code § 552.1235(a). For purposes of this exception, “institution of higher education” is defined by section 61.003 of the Education Code. *Id.* § 552.1235(c). Section 61.003 defines an “institution of higher education” as meaning “any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined in this section.” Educ. Code § 61.003(8). Because section 552.1235 does not provide a definition of “person,” we look to the definition provided in the Code Construction Act. *See* Gov’t Code § 311.005. “Person” includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. *Id.* § 311.005(2). In this instance, because the request is for information pertaining to donations made by a named individual and a specified organization, the existence of any responsive information necessarily reveals the identity of a donor to the university. Accordingly, to the extent any responsive information exists, the university must withhold it under section 552.1235 of the Government Code.²

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,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/jxd

² As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 925271

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Third Party
(w/o enclosures)