



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 31, 2022

Mr. Michael Roseberry
Senior Attorney
Austin Independent School District
4000 South IH-35 Frontage Road
Austin, Texas 78704

OR2022-02717

Dear Mr. Roseberry:

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# 928044.

The Austin Independent School District (the "district") received a request for certain curriculum materials. We understand the district released some information. You claim the submitted information is subject to section 552.027 of the Government Code. We have considered the submitted argument and reviewed the submitted representative sample of information.¹

Section 552.027 of the Government Code provides in part:

(a) A governmental body is not required under this chapter to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public.

...

(c) A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of a governmental body.

¹ We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Gov't Code § 552.027(a), (c). Section 552.027 is designed to alleviate the burden of providing copies of commercially available books, publications, and resource materials maintained by a governmental body. Therefore, section 552.027 provides exemptions from the definition of “public information” under section 552.002 of the Government Code for commercially available research material.

You state the submitted information consists of “commercially available information that the [d]istrict purchased from the Committee for Children, a private entity.” You also state the district “purchased this copyrighted curriculum material for research purposes.” You further state this information is commercially available on the private entity’s website. Thus, you contend the district is not required to permit inspection or provide a copy of this curriculum material. You do not indicate, however, whether the information contained in this curriculum material is made part of, incorporated into, or referred to in a district rule or policy. *See id.* § 552.027(c). Consequently, we are unable to conclude section 552.027 completely excuses the district from permitting the inspection or copying of the information at issue. Thus, we will rule in the alternative. If the information in the curriculum material at issue is not made part of, incorporated into, or referred to in a rule or policy of the district, then the district is not required to permit inspection of the curriculum material at issue. *See id.* § 552.027(a). However, the district must allow inspection of the curriculum material at issue under section 552.027(c) if it is made part of, incorporated into, or referred to in a rule or policy of the district. In any event, section 552.027 does not require the district to provide a copy of this information to the requestor.

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,

James M. Graham
Assistant Attorney General
Open Records Division

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Enc. Submitted documents

c: Requestor
(w/o enclosures)