



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 1, 2022

Mr. Ronny H. Wall  
Senior Associate General Counsel  
Texas Tech University System  
P.O. Box 42021  
Lubbock, Texas 79409

OR2022-02916

Dear Mr. Wall:

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# 927153.

The Texas Tech University System (the "system") received a request for information pertaining to a specified event. You claim some of the submitted information is excepted from disclosure under section 552.104 of the Government Code. Additionally, you state release of the remaining information may implicate the proprietary interests of AEG Presents Productions, LLC ("AEG"). Accordingly, you state, and provide documentation showing, the system notified AEG of the request for information and of its 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 have considered the exceptions you claim and reviewed the submitted information.

Initially, we note 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) 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 AEG explaining why the submitted information should not be released. Accordingly, we have no basis to conclude AEG has a protected proprietary interest in the submitted information, and the system may not withhold any portion of it on that basis. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception).

We note some of the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]

Gov't Code § 552.022(a)(3). Exhibit D consists of information in an account, contract, or voucher relating to the receipt of funds by the system that is subject to section 552.022(a)(3). This information must be released unless it is made confidential under the Act or other law. *See id.* We note some information encompassed by section 552.022 may be withheld under section 552.104. *See id.* § 552.104(b) (information protected by section 552.104 not subject to required public disclosure under section 552.022(a)). However, we note section 552.104(c) of the Government Code provides “[s]ubsection (b) does not apply to information described by [s]ection 552.022(a) relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds.” Section 552.104(c) applies to a request for information received after the effective date of the enacting legislation and a contract entered into or renewed on or after the effective date of the enacting legislation. Act of May 17, 2019, 86th Leg., R.S., H.B. 81, § 2. The effective date of the legislation enacting section 552.104(c) is May 17, 2019. *See* 2019 H.J. of Tex. 4236. Accordingly, we find the submitted contract, entered into on or after May 17, 2019, may not be withheld under section 552.104 of the Government Code. As you raise no other exceptions to disclosure, the system must release Exhibit D under section 552.022(a)(3) of the Government Code. The remaining information must be released.

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,

Colin Henry  
Attorney  
Open Records Division

CEH/jm

Ref: ID# 927153

c: Requestor