



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 17, 2022

Ms. Nelly R. Herrera
Vice Chancellor and General Counsel
The Texas State University System
601 Colorado Street
Austin, Texas 78701-2904

OR2022-04924

Dear Ms. Herrera:

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# 929560 (Ref. Nos. 21087.19 and 21087.27).

Texas State University (the "university") received two requests from different requestors for certain types of contracts pertaining to the university's men's and women's basketball programs during a stated period of time. Additionally, the second requestor also seeks employment contracts and salaries pertaining to six named university employees, as well as outside income forms pertaining to seventy-four named individuals. Although you take no position regarding whether the submitted information is excepted from disclosure, you state release of the information at issue may implicate the proprietary interests of the following third parties: Arlington Baptist University, Baylor University, Dartmouth College, Houston Baptist University, Huston-Tillotson University, Lamar University, LeTourneau University, Louisiana State University, Loyola Marymount University, Paul Quinn University, Rice University, Southwestern University, Texas College, Texas Tech University, The Gazelle Group, University of Denver, University of Houston, University of San Diego, University of Texas at El Paso, University of Texas at San Antonio, University of the Incarnate Word, and Vanderbilt University. Accordingly, you state, and provide documentation demonstrating, the university notified these interested third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code §§ 552.304 (interested party may submit comments stating why information should or should not be released), .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 reviewed the submitted information.

Initially, we note the university has not submitted any information responsive to the portions of the second request seeking employment contracts, salaries, and outside income

forms pertaining to named individuals. To the extent any additional information responsive to the second request existed on the date the university received the request, we assume the university has already released it to the second requestor. If the university has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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 any of the third parties explaining why the information at issue should not be released. Thus, we have no basis to conclude any of the third parties have 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 submitted information on the basis of any proprietary interest the third parties may have in it. As no exceptions to disclosure have been raised, the university must release the submitted 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,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/be

Ref: ID# 929560

c: 2 Requestors

c: 22 Third Parties