



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 16, 2022

Ms. Sarah Gray
Assistant General Counsel
Texas Tech University System
P.O. Box 42021
Lubbock, Texas 79409-2021

OR2022-17422

Dear Ms. Gray:

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# 950848.

The Texas Tech University System (the "system") received a request for certain information pertaining to a specified entity.¹ You claim the submitted information is excepted from disclosure under section 552.121 of the Government Code. Additionally, you state release of the information at issue may implicate the proprietary interests of the Mecom Companies ("Mecom"). Accordingly, you state, and provide documentation demonstrating, the system notified Mecom 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 received comments from Mecom. We have considered the submitted arguments and reviewed the submitted representative sample of information.²

¹ You state, and provide documentation demonstrating, the system sent the requestor a cost estimate of charges pursuant to section 552.2615 of the Government Code, and the requestor accepted the cost estimate. *See* Gov't Code § 552.2615. The estimate of charges required the requestor to provide a deposit for payment of anticipated costs under section 552.263 of the Government Code. *See id.* § 552.263(a). You inform us the system received the required deposit on March 11, 2022. *See id.* § 552.263(e) (if governmental body requires deposit or bond for anticipated costs pursuant to section 552.263, request for information is considered to have been received on date governmental body receives bond or deposit).

² 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 those records contain substantially different types of information than that submitted to this office.

Section 552.121 of the Government Code makes confidential “[a]n oral history interview, personal paper, unpublished letter, or organizational record of a nongovernmental entity that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research . . . to the extent that the archival and manuscript repository and the donor of the interview, paper, letter, or record agree to limit disclosure of the item.” Gov’t Code § 552.121. The system and Mecom state the submitted information consists of personal papers and organizational records of a nongovernmental entity and was not created or maintained in the conduct of official business of a governmental body. The system and Mecom also state the information at issue was donated to the Southwest Collections/Special Collections Library (the “SWC”) for the purpose of historical research. Further, the system and Mecom state the SWC, which is the repository of the information at issue, and Mecom agreed to limit disclosure of the information at issue. Based upon these representations and our review of the information at issue, we conclude the system must withhold the submitted information under section 552.121 of the Government Code.

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/mo

Ref: ID# 950848

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Third Party
(w/o enclosures)