



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 21, 2022

Ms. Tamara Aronstein  
Assistant General Counsel  
Texas Higher Education Coordinating Board  
P.O. Box 12788  
Austin, Texas 78711-2788

OR2022-29081

Dear Ms. Aronstein:

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# 970478 (THECB PIR 2022-42).

The Texas Higher Education Coordinating Board (the "board") received a request for information pertaining to two specified solicitations. The board states it will release some of the requested information. The board states some of the requested information was the subject of a previous ruling from this office. Although the board takes no position as to whether the submitted information is excepted under the Act, the board states release of the submitted information may implicate the proprietary interests of Forum One. Accordingly, the board states, and provides documentation showing, it notified Forum One 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 reviewed the submitted information.

The board informs us some of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-16709 (2022). We also note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-17613 (2022). In Open Records Letter No. 2022-16709, we concluded the board must release the information at issue; however, any information subject to copyright may only be released in accordance with copyright law. In Open Records Letter

No. 2022-17613, we concluded the following: (1) the board must withhold certain information we marked under section 552.110(b) of the Government Code; however, to the extent the customer information is made available to the public by Pairin, Inc., including but not limited to on its website or social media accounts, it may not be withheld under 552.110(b); (2) the board must withhold certain information we marked under section 552.101 of the Government Code in conjunction with common-law privacy; and (3) the board must release the remaining information. As we have no indication the law, facts, and circumstances on which the prior rulings were based have changed, the board must continue to rely on Open Records Letter Nos. 2022-16709 and 2022-17613 as previous determinations and withhold or release the requested information in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,

Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/mo

Ref: ID# 970478

Enc. Submitted documents

c: Requestor

Third Party