



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 28, 2022

Ms. Cynthia Tynan  
Assistant General Counsel & Public Information Coordinator  
The University of Texas System  
210 West Seventh Street  
Austin, Texas 78701-2903

OR2022-36612

Dear Ms. Tynan:

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# 986212 (Ref. No. 203628).

The University of Texas at Austin (the "university") received a request for information pertaining to a specified contract. Although you take no position as to whether the submitted information is excepted from disclosure under the Act, you state release of the submitted information may implicate the proprietary interests of Altius Sports Partners, LLC ("Altius"). Accordingly, you state, and provide documentation showing, you notified Altius of the request for information and of the 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 Altius. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note some of the submitted information, which we marked, is subject to section 2261.253 of the Government Code. This section provides, in relevant part, as follows:

(a) For each contract for the purchase of goods or services from a private vendor, each state agency shall post on its Internet website:

(1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring

competitive bidding before selection of the contractor, until the contract expires or is completed[.]

Gov't Code § 2261.253(a)(1). The contract is between the university, a state agency, and Altius, a private vendor, for the purchase of goods or services. Further, the contract has neither expired nor been completed. Although Altius raises section 552.110 of the Government Code for portions of the information at issue, we note section 552.0222 of the Government Code provides, in relevant part, as follows:

(b) The exceptions to disclosure provided by Sections 552.110 and 552.1101 do not apply to the following types of contracting information:

(1) a contract described by Section 2261.253(a), excluding any information that was properly redacted under Subsection (e) of that section[.]

*Id.* § 552.0222(b)(1). We have no indication any of the information at issue was properly redacted under section 2261.253(e). Although Altius raises section 552.110, section 552.0222 expressly states this exception does not apply to a contract described by section 2261.253(a). Accordingly, we do not address Altius's arguments against disclosure of the information we marked under this exception. As no other exceptions to disclosure have been raised, the university must release the information we marked.

Section 552.110(c) of the Government Code states:

Except as provided by Section 552.0222, commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is [excepted from required disclosure].

*Id.* § 552.110(c). Additionally, we note section 552.0222(b) lists certain types of information to which section 552.110 does not apply. *See id.* § 552.0222(b). Altius argues some of its information consists of commercial or financial information subject to section 552.110(c). Upon review, we find Altius has demonstrated some of the information at issue constitutes commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, the university must withhold the information we marked under section 552.110(c) of the Government Code.<sup>1</sup> However, we find the remaining information at issue is subject to section 552.0222(b) and may not be withheld on the basis of section 552.110. Therefore, the university may not withhold any of the remaining information under section 552.110 of the Government Code.

In summary, the university must release the information we marked pursuant to 2261.253 of the Government Code. The university must withhold the information we marked under section 552.110(c) of the Government Code. The university must release the remaining information.

---

<sup>1</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure of this 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,

Sarah E. Reese  
Attorney  
Open Records Division

SER/pt

Ref: ID# 986212

Enc. Submitted documents

c: Requestor  
(w/o enclosures)