



August 10, 1999

Mr. Thomas G. Ricks  
President  
The University of Texas Investment Management Company  
210 West Sixth Street, Second floor  
Austin, Texas 78701

OR99-2257

Dear Mr. Ricks:

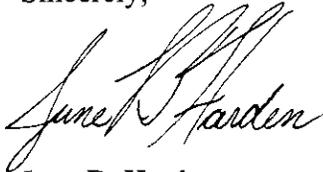
You ask whether certain information is subject to required public disclosure under the, Texas Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 126338.

The University of Texas Investment Management Company ("UTIMCO") received a request for information referenced in a time line you say UTIMCO previously supplied the requestor. You indicate that you have released to the requestor some information responsive to the request. You first argue, however, that because the request was directed to you at your personal residence, the request is not a proper request. You also claim that certain stock purchase agreements are excepted from disclosure by sections 552.104 and 552.110 of the Government Code. You advance several arguments as to why release of the marked information would harm UTIMCO and ask that we consider your previous arguments submitted in response to similar requests for information.

You inform us that you received the request at your private residence. You argue that a request for UTIMCO information addressed to you at your home is not a proper request and may be ignored. For purposes of the Act, "a written request includes a request made in writing that is sent to the officer for public information, or the person designated by that officer, by electronic mail or facsimile transmission." Gov't Code § 552.301. As president of UTIMCO, you are UTIMCO's officer for public information. *Id.* § 552.201 (stating that chief administrative officer of governmental body is officer for public information). However, it is the governmental body that is subject to the Act and not the officer individually; the officer merely receives the request on behalf of the governmental body. *See* Gov't Code § 552.003. A person receiving mail at his private home is acting in his individual capacity and not in his public capacity. Based on the fact that UTIMCO has an official place of business, we conclude that the Act does not require UTIMCO to respond to this request for information.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "June B. Harden".

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/nc

Ref.: ID# 126338

Encl. Submitted documents

cc: Mr. Stephen Lisson  
INITIATE!  
P.O. Box 2013  
Austin, Texas 78768-2013  
(w/o enclosures)