



March 14, 2000

Mr. Delmar L. Cain
General Counsel
The Texas A&M University System
301 Tarrow, 6th Floor
College Station, Texas 77840-7896

OR2000-1011

Dear Mr. Cain:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 132966.

The Texas A&M University System (the “university”) received a request for information regarding patrons of the university’s Cushing Memorial Library. Specifically, the requestor asks for the electronic database derived from forms completed by library patrons, or alternatively, access to the forms themselves. You have submitted a blank version of the form filled out by university library patrons. You claim that the requested information is excepted from disclosure under section 552.124 of the Government Code. We have considered the exception you claim and have reviewed the submitted information.

Section 552.124 makes confidential, with certain exceptions which are not applicable here, “[a] record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service.” In our opinion, section 552.124 requires withholding only the names, addresses, and other information specifically identifying library patrons. *See, e.g.,* Open Records Decision No. 649 at 3 (1996) (confidentiality provisions strictly construed). We have reviewed the information at issue. You must withhold the patrons’ names, addresses, telephone numbers, university identification numbers or driver’s license numbers, and signatures from the submitted information. We believe these types of information would identify or serve to identify patrons of the university’s library. However, we do not believe that the designation of a general category under “Texas A & M University Affiliation” would

provide sufficient information to identify or serve to identify a particular library patron. Thus, the university may not withhold the affiliation information under section 552.124. Additionally, because you have submitted a blank form for our review, we are unable to determine whether specific entries under "Purpose of Research" would identify or serve to identify a particular library patron. We note that we do not believe general entries such as "dissertation," "thesis," "article," "book," "genealogy," or "personal" alone would identify or serve to identify a library patron. To the extent that other, more specific information is contained on the forms or in the university's database, such information may be confidential under section 552.124.¹ We conclude that the university must release to the requestor the university affiliation information, along with the date and whether the patron is making an "Open Records Request." We have marked the portions of the submitted information which must be released.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

¹We remind you that the distribution of confidential information is a criminal offense. Gov't Code § 552.352.

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.–Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Carla Gay Dickson
Assistant Attorney General
Open Records Division

CGD/ch

Ref: ID# 132966

Encl. Submitted documents

cc: Mr. Russell Gold
San Antonio Express-News
1005 Congress Avenue, Suite 430
Austin, Texas 78701
(w/o enclosures)