



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 5, 2005

Ms. Gita P. Bolt
Interim General Counsel
Texas Southern University
3100 Cleburne Street
Houston, Texas 77004

OR2005-05872

Dear Ms. Bolt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 227985.

Texas Southern University (the "university") received a request for certain cellular telephone records of university regents and administrators. You inform us that the university sought clarification of the request from the requestor pursuant to section 552.222(b) of the Government Code. *See* Gov't Code § 552.222(b) (stating that if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used). You further indicate that the requestor did not respond to the request for clarification. Accordingly, we conclude that the university need not respond to this request until it receives the requestor's clarification. Should the requestor submit such a clarification, the university must seek a ruling from this office before withholding any responsive information. *See* Open Records Decision No. 663 (1999) (providing for tolling of ten business day time limit to request attorney general decision while governmental body awaits clarification).

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).

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); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. 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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/jh

Ref: ID# 227985

c: Mr. William Hudson
#4081
1 Herman Museum Circle Drive
Houston, Texas 77004

Regent Belinda M. Griffin
2713 Cobre Valle Lane
Plano, Texas 75023

Regent David Diaz
809 S. Port Avenue
Corpus Christi, Texas 78405

Regent Earnest Gibson, III
Riverside General Hospital
3204 Ennis
Houston, Texas 77004

Regent Harry E. Johnson, Sr.
Law Office of Harry E. Johnson
7451 Harwin, Suite 390
Houston, Texas 77036

Regent Regina Giovannini
1242 Ridgeley Drive
Houston, Texas 77055

Regent Robert Childress
Covenant Glen United Methodist Church
401 Present Street
Missouri City, Texas 77489

Regent George M. Williams
Williams Partners, Inc.
12 Greenway Plaza, Suite 1100
Houston, Texas 77046

Regent J. Paul Johnson
Liberty Ink
4115 Shadow Haven
Fresno, Texas 77545