



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 9, 2012

Mr. Eric D. Bentley
Senior Assistant General Counsel
University of Houston
311 Ezekiel Cullen Building
Houston, Texas 77204-2028

OR2012-02058

Dear Mr. Bentley:

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# 445019.

The University of Houston (the "university") received a request for (1) the employment contracts and salary for seven named employees for the 2011-2012 academic year, (2) all contracts or written agreements between the university's Department of Athletics and other universities' Departments of Athletics for non-conference men's and women's basketball games scheduled to be played during the 2011-2012 season and future years, and (3) all contracts or written agreements between the university's Department of Athletics and third parties regarding food concessions for all athletic facilities. You state you have released some of the requested information to the requestor. Although you state the university takes no position with respect to the public availability of the submitted information, you state its release may implicate the proprietary interests of Concordia University, McNeese State University, North Carolina A&T State University, Rogers State University, Southeast Missouri State University, Texas State University, Texas Tech University, The University of New Mexico, The University of Texas-Pan American, and Yale University (collectively, the "third parties"). Accordingly, you state, and provide documentation showing, the university notified the third parties of their 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) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances).

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from any of the third parties. We, thus, have no basis for concluding that any portion of the submitted information constitutes the third parties' proprietary information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Thus, the university may not withhold any of the submitted information under section 552.110 of the Government Code. As no exceptions to disclosure have been raised, the submitted information must be released.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/em

Ref: ID# 445019

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

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