



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 13, 2013

Ms. Neera Chatterjee  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR2013-04219

Dear Ms. Chatterjee:

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# 481364 (OGC# 147963).

The University of Texas Health Science Center at Houston (the "university") received a request for all e-mail correspondence between four named individuals during a specified time period and all information regarding a specified previous request for information. You state you have released most of the requested information. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 51.914 of the Education Code, which provides, in pertinent part:

(a) In order to protect the actual or potential value, the following information is confidential and is not subject to disclosure under [the Act] or otherwise:

...

(2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research

contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties[.]

Educ. Code § 51.914(a)(2). We note section 51.914 is not applicable to working titles of experiments or other information that does not reveal the details of the research. *See* Open Records Decision Nos. 557 at 3 (1990), 497 at 6-7.

You assert the submitted information consists of proprietary information regarding grant funding for proposed coursework offered by the Texas School Ready project that is confidential under section 51.914 of the Education Code. You state the submitted information “includes proprietary information regarding proposed coursework” and therefore “contains procedures and other information that relate to a product, device, or process (or the application of such) developed by [university] employees. You further state this information “describes the innovative coursework and has the potential for being further sold, traded, or licensed for a fee” and that release of this information would “directly reveal the substance of the curriculum and permit third parties to appropriate such information.” We note the submitted information consists of e-mails containing only general statements regarding the proposed coursework. Upon review, we find the university has failed to demonstrate any portion of the information at issue reveals details about the research at issue or is otherwise confidential under section 51.914(a)(2). Accordingly, none of it may be withheld under section 552.101 on that basis. As you raise no further exceptions against disclosure, the university must release the submitted 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 [http://www.oag.state.tx.us/open/index\\_orl.php](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,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 481364

Enc. Submitted documents

c: Requestor  
(w/o enclosures)