



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 18, 2015

Mr. Eric D. Bentley  
Associate General Counsel  
Office of the General Counsel  
University of Houston  
311 E Cullen Building  
Houston, Texas 77204

OR2015-09605

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# 563936.

The University of Houston (the "university") received a request for contracts, service agreements, master agreements, and bid tabulations for current university copiers and print shop contracts for all campuses and satellites.<sup>1</sup> You state you released some information to the requestor. Although you take no position as to whether the submitted information is excepted under the Act, you state release of some of this information may implicate the proprietary interests of Xerox Corp.; Marimon Business Systems, Inc.; Xerow Graphics; Toshiba; Ricoh-USA; and Konica Minolta (collectively, the "third parties"). Accordingly, you state you notified the third parties of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

Initially, 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

---

<sup>1</sup>We note the university received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating that if information requested is unclear to governmental body or if a 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).

to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from the third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude the third parties have protected proprietary interests in the submitted 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. Accordingly, the university may not withhold the submitted information on the basis of any proprietary interests the third parties may have in the information.

We note some of the submitted information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. Thus, the university must release the submitted information, but may only release any copyrighted information in accordance with copyright law.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Mili Gosar  
Assistant Attorney General  
Open Records Division

MG/akg

Ref: ID# 563936

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Thomas Mandell  
Xerox Corporation  
2485 Natomas Park Drive  
Sacramento, California 95833  
(w/o enclosures)

Marimon Business Systems, Inc.  
c/o Eric D. Bentley  
Associate General Counsel  
University of Houston  
311 E Cullen Building  
Houston, Texas 77204  
(w/o enclosures)

Xerox Graphics  
c/o Eric D. Bentley  
Associate General Counsel  
University of Houston  
311 E Cullen Building  
Houston, Texas 77204  
(w/o enclosures)

Toshiba  
c/o Eric D. Bentley  
Associate General Counsel  
University of Houston  
311 E Cullen Building  
Houston, Texas 77204  
(w/o enclosures)

Konica Minolta  
c/o Eric D. Bentley  
Associate General Counsel  
University of Houston  
311 E Cullen Building  
Houston, Texas 77204  
(w/o enclosures)