

13 February 2012

Sent via email to: publicrecords@oag.state.tx.us

The Honorable Greg Abbott
Attorney General
Office of the Attorney General
Open Records Division
209 West 14th Street
Austin, Texas 78701

Re: OPEN RECORDS REQUEST; The University of Texas Medical Branch (UTMB) at Galveston, Center to Eliminate Health Disparities (CEHD) communications with the Galveston Housing Authority (GHA); 13 January 2012; AG ID #450387 (OGC# 141852)

Dear Sir/Madame:

On 13 January 2012, the Galveston Open Government Project (GOGP) requested, [“All correspondence between the CEHD and the Galveston Housing Authority including email sent on personal email systems between 01 January 2011 and 31 December 2011.”](#)

On 10 February 2012, the University of Texas, Office of General Counsel requested a ruling from your office, seeking to withhold some of the correspondence under sections 552.111 and 552.105 of the Public Information Act (“PIA”).

The communications requested should NOT be exempted under Section 552.111:

Section 552.111 exempts from disclosure:

“AGENCY MEMORANDA. An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency is excepted from the requirements of Section 552.021.”

The UT has the burden of providing relevant facts and documents to show that the section 552.111 exception is applicable in a particular situation. A quick perusal of the public record shows that the UT has a long history of asserting the 552.111 exemption when it merely seeks to hide information that the PIA clearly meant the public to have. It is our hope that your office will not reward the UT for their bad faith efforts to circumvent the transparency that the PIA was designed to provide by making the withholding of information too easy using very broad and vague claims under this section.

The GHA entered into a contract with the CEHD at UTMB, providing a grant of at least \$96,500, to undertake academic research on improving the health outcomes in the City of Galveston. It is our belief that rather than performing valid research into health related issues, the CEHD is primarily acting as a public relations agent in an attempt to promote and justify GHA’s decision to build mixed-income developments in unsuitable, and ironically, potentially unhealthy locations.

It is our belief that communications detailing the public relations and promotional nature of this relationship is what the CEHD at UTMB actually seeks to withhold from public view and scrutiny, because it would prove embarrassing, so an exemption should not be granted! Potential embarrassment is not a valid reason for an exemption, and is exactly what the PIA was meant to provide to public view in order to reign in the abuses of government entities.

The UT states in their appeal, *“The purpose of § 552.111 is ‘to encourage frank and open discussion within the agency in connection with its decision making processes’ pertaining to policy matters.”* Once again, the PIA was surely not intended to allow government entities to hide their actions and true purposes from the taxpayers by simply allowing them to claim anything that they did not want to have released is a “policy matter”. The “frank and open discussion” is precisely what the public needs to see; NOT the sanitized version that they might later release!

The GOGP is a small government watchdog group that does not have the financial resources to hire lawyers to adequately challenge UT's request for an exemption. Based on what they have done, so far, it is very likely that they have spent several thousand dollars of taxpayers' money in order to fight a reasonable request from a non-profit group attempting to represent the public interest, simply to hide communications from the public that it has every right to see!

In summary, we believe that the UT is asserting the catch-all 552.111 exemption claim simply because the withheld communications will expose the true nature of the relationship between the CEHD at UTMB and the GHA, exactly what the PIA was meant to do, and not because they have a valid exemption from disclosure. Filing an appeal with your office also means that even if they lose, it allows them to delay public disclosure until after certain politically sensitive decisions have already been made, so it will be too late to use the information to its full effect! Therefore, we request that you expedite this appeal.

We are confident that after your office has had the time to thoroughly analyze this matter, it will rule that the CEHD may not withhold its correspondence with the GHA from required public disclosure.

Respectfully submitted,

David Stanowski
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