



OFFICE OF THE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER

THE UNIVERSITY OF TEXAS AT AUSTIN

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September 26, 2006

Mr. Edward Hammond
The Sunshine Project

RE: OPEN RECORDS REQUEST – Research Protocols

Dear Mr. Hammond:

This is in response to your Open Records Request received via e-mail on September 12, 2006. You request that The University of Texas provide you with copies of certain research protocols referenced in the November 15, 2005, UT Institutional Biosafety Committee (IBC) meeting minutes. You also ask that the scope include all records concerning an incident in a BSL-3 laboratory involving transgenic influenza virus referenced in the April 17, 2006, IBC meeting minutes. You ask that the scope include, but not be limited to, reports made to state or federal agencies in relation to the April 17 incident. Vice President and Custodian of Records, Kevin P. Hegarty, asked that I respond directly to your request.

This is to notify you pursuant to §552.301(d) of the Texas Public Information Act, *Government Code*, that the University seeks to withhold the responsive document from disclosure under exceptions provided in the Act on behalf of the University and any affected third parties. The University of Texas System Office of General Counsel will be requesting an opinion from the Office of the Attorney General (AG) to determine whether the responsive document contains information that is protected from disclosure under the provisions of the Act or other law. You will be provided with a copy of the University's legal brief to the AG under separate cover. Pursuant to §552.306 of the Texas Public Information Act, the AG "shall promptly render a decision not later than the 45th working day after the date the Attorney General receives the request for a decision."

Regarding your request that the document response include any reports made to state or federal agencies in relation to the April 17, 2006, incident, please be advised the University has identified no documents responsive to this portion of your request. You may contact Ms. Annela Lopez at (512) 471-1422 if you have any questions in the interim.

Sincerely,

Margo Zwanski
Executive Assistant
to the Vice President

MI:aml

c: Mr. Barry D. Burgdorf
Ms. Helen K. Bright
Ms. Patricia C. Ohlendorf
Dr. Lisa I. Leiden
Mr. Eric Janssen
Ms. Carol Longoria