



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

January 28, 1974

**Dr. Charles A. LeMaistre
Chancellor
The University of Texas System
Office of the Chancellor
601 Colorado Street
Austin, Texas 78701**

Open Records Decision No. 22

Dear Chancellor LeMaistre:

You have received a written request for information and you have requested our decision as to whether certain specific items of information contained in the records of the University of Texas relating to the operation of the University's Special Services-Security Division (SSSD), are subject to disclosure under the Open Records Act (Acts 1973, 63rd Leg., ch. 424, p. 1112). The SSSD is a "law enforcement agency," as that term is used in § 3(c)(8) of Article 6252-17a. See §§ 51.201, 51.202 and 51.203, Vernon's Texas Education Code; Article 2.12, Vernon's Texas Code of Criminal Procedure.

We have been furnished by you with various documents identified as exhibits A through M which you have declined to disclose. It is not our function to determine whether the exhibits are responsive to the requests.

This decision must be taken as applying only to the specific exhibits before us. Other records of similar description might for some reason call for a different decision.

In regard to Exhibits A through F, H, and I, you state that "The University of Texas System has no objection to providing these documents" However, "since the disclosure of such information could have an adverse precedential effect on other Texas law enforcement agencies. . ." you requested a decision on these documents.

The basic policy of the Act is expressed in §3(a) that "All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public. . . ." The Act does not in itself make anything secret or confidential. Section 14(a) provides that "This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law. . . ."

We have inspected Exhibits A through F, H, and I and have found no material in them the disclosure of which is expressly prohibited by law. Therefore, the information in Exhibits A through F, H, and I may be voluntarily disclosed.

The voluntary release of the materials cannot prejudice other Texas law enforcement agencies which do not choose to voluntarily disclose similar information and which instead rely upon the "law enforcement" exception from required disclosure under §3(a)(8) of the Act, or upon some other exception.

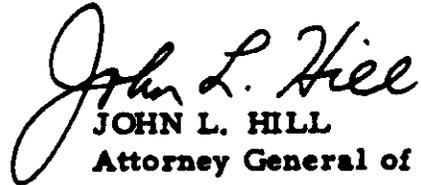
However, you have declined to disclose some material coming within the scope of the request on the ground it is within the "law enforcement" exception of the Act. Section 3(a)(8). In this category you have furnished to us Exhibit G, the University of Texas Police Manual; Exhibit K, an evaluation of the University of Texas at Arlington Police Department; Exhibit L which includes information with reference to budget categories of which you would prefer not to disclose what you have with reference to certain equipment and investigative expenses; Exhibit M consisting of various vouchers for different types of expenditures. We understand that the request for the information within Exhibit J has been withdrawn.

We were prepared to issue our decision on these documents shortly after issuing our Open Records Decisions 18 and 19. However, those two decisions raised a number of questions and we have been asked to reconsider them. We have accorded parties interested in the questions raised until February 20, 1974, to submit briefs. Because of the simi-

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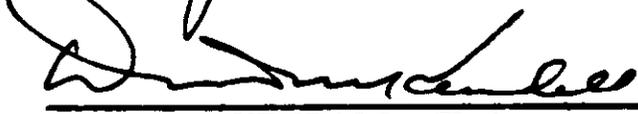
larities of the issues in Decisions 18 and 19, to those raised by this request, we now plan to put off a decision in this matter until we have had an opportunity to reconsider Decisions 18 and 19.

Yours very truly,


JOHN L. HILL
Attorney General of Texas

APPROVED:


C. J. CARL, Staff Legislative Assistant


DAVID M. KENDALL, Chairman
Opinion Committee