



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

April 29, 1975

The Honorable Richard C. Gibson  
Director  
University of Texas System Law Office  
601 Colorado St.  
Austin, Texas 78701

Open Records Decision No. 83

Re: Student financial aid  
information.

Dear Mr. Gibson:

You request our decision on whether student financial aid information is excepted from disclosure by section 3(a)(14) of the Open Records Act, article 6252-17a, V. T. C. S., as a student record.

A representative of the Dallas Morning News has asked:

. . . whether any of the ten demonstrators who occupied President Rogers' office last week are receiving financial aid from the university? I would like to know which students are currently on scholarships, grants, or salaries, and how much each has received to date.

In response to this request you have provided information as to those students who are employees of the University, their position, salary and dates of employment as per section 6(a)(2) of the Act. However, it is your position that information on scholarships, grants, and loans are excepted from disclosure by section 3(a)(14) of the Act which excepts:

(14) student records at educational institutions funded wholly, or in part, by state revenue;. . . .

You acknowledge that section 6(a)(3) of the Act "without limiting the meaning of other sections of this Act" specifically makes public:

(3) information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law . . . .

We have found no statutory provision, other than the quoted section 3(a)(14) exception, nor any judicial decision which would make student financial aid information confidential. In Attorney General Opinion H-258 (1974), we said that the constitutional right of privacy has not as yet been extended to financial affairs.

In discussing the student record exception in Attorney General Opinion H-447 (1974), we said:

[I]t is our opinion that a "student record" would generally include information concerning the student himself and his individual relationship to the educational institution. A list of student records would include, but not necessarily be limited to, the following: applications for admission, standardized achievement test score, attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and reports of behavioral patterns or disciplinary actions.

We believe that information concerning the receipt of financial aid is "information concerning the student himself and his individual relationship to the educational institution." It is our decision that the information requested is a "student record" within the meaning of the section 3(a)(14) exception, and should not be made public without the consent of the student. Due to the language in section 6 indicating that that section does not limit the meaning of any other section of the Act, we believe that the section 3(a)(14) exception prevails over section 6(a)(3) in regard to this information.

We note that this interpretation of the Open Records Act is harmonious with federal legislation concerning the same subject matter. The Family

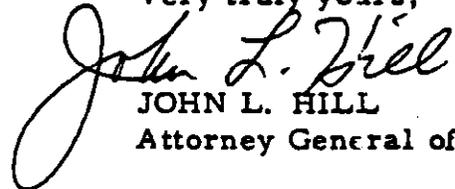
Educational Rights and Privacy Act of 1974, 20 U.S.C.A. §1232g (Supp. 1975), as amended by PL 93-568 (Dec. 31, 1974), U.S. Code Cong. and Admin. News 6834 (Pamphlet No. 13, Jan 30 1975), specifically restricts release of educational records or personally identifiable information contained therein . . . " in connection with a student's application for, or receipt of, financial aid . . . ." 20 U.S.C. §1232g (b)(1)(D).

We would like to call attention to a procedure in the federal Act by which a student's consent to release "directory information" is obtained. A student's consent is implied from his failure to object to the release of such information after general public notice is given by the educational institution of its intent to release certain designated directory information. Directory information includes:

. . . the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. (Emphasis added). 20 U.S.C. §1232g(a)(5)(A).

Some scholarships may be within the meaning of "awards" as used here. We believe the federal act provides a reasonable administrative procedure for notice and silent consent to the release of certain personal information about students.

Very truly yours,



JOHN L. HILL  
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman  
Opinion Committee