



The Attorney General of Texas

May 21, 1980

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Open Records Decision No. 242

Re: Whether student parking permit information is required to be disclosed under the Open Records Act.

Dear Mr. Bond:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to the status of student parking permit information. The student newspaper has submitted a list of parking permit numbers and has requested that the University furnish the corresponding names of the students to whom the numbers are assigned.

You indicate that, although these records are maintained by the Texas A&M University Police Department, they are also available to other university officials. Thus, they constitute "education records subject to the student access and consent requirements of the Buckley Amendment." Open Records Decision No. 205 (1978). Section 14(e) of the Open Records Act provides:

Nothing in this Act shall be construed to require the release of information contained in education records of any educational agency or institution except in conformity with the provisions of the Family Educational Rights and Privacy Act of 1974, as enacted by Section 513 of Public Law 93-380, codified as Title 20 U.S.C.A. Section 1232g, as amended.

The Family Educational Rights & Privacy Act of 1974 [hereinafter called the Buckley Amendment] prohibits, with certain exceptions, the disclosure of any education record to anyone other than the student who is the subject of the record. One exception is for "directory information," which may be disclosed after compliance with federal notice requirements. 20 U.S.C. § 1232g(a)(5); 45 C.F.R. § 99.37(c) (1979). "Directory information" is defined as

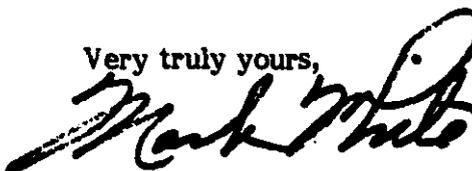
... the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most previous educational agency or institution attended by the student, and other similar information.

45 C.F.R. § 99.3 (1979) (emphasis added). This office has heretofore accorded a broad meaning to the term "directory information," holding that it includes a list of names and addresses of the parents of students at a particular school, Open Records Decision No. 96 (1975), and a list of names and addresses of all former students credited with funds remaining in their general property deposits. Open Records Decision No. 151 (1977). We have been advised by the appropriate federal agency that student parking permit records may properly be classified as "directory information," as that term has been construed by the Secretary of Education.

You indicate that the records at issue have "never been denoted as 'directory information' by the University." Although the classification of such records as directory information is discretionary with the institution under federal law, we believe that the Texas Open Records Act requires a stricter standard. Any student record which could be treated as directory information under federal law must be accorded that status unless its release would as a matter of law constitute an invasion of any person's right of privacy. Such a standard, essentially the same as that of section 3(a)(14) of the Open Records Act, Open Records Decision No. 151 (1977), probably means that any "education record" is "directory information" if it could be classified as such by federal law, since it is unlikely that the Secretary of Education would permit the classifying as directory information of any record which infringed a student's right of privacy. See Open Records Decision No. 193 (1978).

It is our decision that student parking permit information is not excepted from required public disclosure under section 3(a)(14) of the Open Records Act, and that since it may properly be classified as directory information under federal law, it must be so classified under the Texas Open Records Act. Thus, after complying with federal requirements for the release of directory information under the Buckley Amendment, the University should make available to the public the information requested. See Open Records Decision No. 196 (1978).

Very truly yours,



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