



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

February 13, 1989

Mr. Mel Hazelwood
The University of Texas System
Office of the General Counsel
201 West 7th Street
Austin, Texas 78701

Dear Mr. Hazelwood:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 5172; this decision is OR89-51.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

The University of Texas System (the System) received a request from U.T. Week in Review for copies of appeal forms of administrative parking citations issued by the University of Texas at Austin (the University). Specifically, the requestor seeks appeal forms completed by students who have received parking citations from the University. You advise that you will release the appeal forms completed by faculty, staff and visitors, but you raise the issue of confidentiality of student records under section 3(a)(14) of the Open Records Act.

Generally, sections 3(a)(14) and 14(e) protect education records concerning students. See Open Records Decision No. 327 (1982). "Education records" is defined to include all records which:

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

20 U.S.C. § 1232g(a)(4)(A). The Buckley Amendment, as well as section 3(a)(14) of the Open Records Act, concern the disclosure of personally identifiable information from the education records of students.

You submitted for review completed appeal forms that contain sections for an appellant's name, address, social security number and license information; the "Parking and Traffic Administrator's Decision"; and an appeal panel's decision. The only section that is completed by the appellant is the section requiring name, address, and license information.

In Open Records Decision No. 242 (1980) the attorney general determined that the a list of Texas A&M University parking permit numbers and the corresponding names were "directory information" and therefore not excepted from required public disclosure under section 3(a)(14) of the Open Records nor under federal law. "Directory information" is defined as:

. . . 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.

20 U.S.C. § 1232g(a)(5)(A). Clearly, the first section of the appeal forms contains directory information. This is public information. See Open Records Decision No. 242 (1980).

The Buckley Amendment was intended to protect a student's interest in knowing the content of personal and possibly erroneous information about him, in correcting it, and in controlling its dissemination to others. Section 3(a)(14) of the Open Records Act serves similar purposes.

Mr. Mel Hazelwood
February 13, 1989
Page 3

In Open Records Decision No. 242 the attorney general held that student parking permit records may be properly classified as "directory information" as that term is construed by the Secretary of Education. The administrative responses on the forms at issue contain the administrator's or the appeal panel's recommendations for final disposition of the appeal. Open Records Decision No. 242, therefore, does not govern the information at issue.

The appeal forms contain information concerning the students themselves and their individual relationship with the university. This type of information is protected. See Open Records Decision No. 83 (1975). The parking citation appeal forms are thus protected from required public disclosure under section 3(a)(14).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-51.

Yours very truly,

Open Government Section 
of the Opinion Committee
Open Government Section
of the Opinion Committee
Prepared by Jennifer S. Riggs
Chief, Open Government Section

JSR/FAF/bra

cc: Jay Aldis
U.T. Week in Review
307 Moore Hill Hall
Austin, Texas 78705

Ref.: ID# 5172
ID# 5441