



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

September 11, 1990

Mr. Richard Rafes
General Counsel
University of North Texas
P.O. Box 13426
Denton, Texas 76203-3426

OR90-437

Dear Mr. Rafes:

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# 9873.

The University of North Texas received an open records request from a former professor for all documents "of whatever character" pertaining to himself. You state that you are releasing to the requestor some of the records he requested; you contend, however, that other records coming within the ambit of the request are not releasable pursuant to the federal Family Educational Rights and Privacy Act (FERPA). See 20 U.S.C. § 1232g et seq.

We agree that the records submitted to this office for review all constitute "education records" as that term is defined by FERPA. See 20 U.S.C. § 1232g(a)(4)(A). As such, these records are confidential and must be withheld pursuant to section 3(a)(14) of the Open Records Act, Open Records Decision No. 332 (1982), unless the student who is the subject of those records authorizes their release. See 20 U.S.C. § 1232g(d).

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 OR90-437.

Yours very truly,

A handwritten signature in cursive script that reads "Kay H. Guajardo".

Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/RWP/le

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cc: Dr. Michael Platt
Department of Political Science
Middlebury College
Middlebury, Vermont 05753