



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 21, 1995

Mr. Scott A. Kelly  
Assistant General Counsel  
The Texas A&M University System  
Office of the Vice Chancellor and General Counsel  
John B. Connally Building  
301 Tarrow, 6th Floor  
College Station, Texas 77843-1230

OR95-139

Dear Mr. Kelly:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32004.

The requestor seeks documents concerning the removal of a particular student from the university. You claim that the information is excepted from disclosure pursuant to sections 552.101 and 552.114 of the Government Code as well as the Family Educational Rights and Privacy Act of 1974 ("FERPA").

This office has previously determined that information which identifies individual students is excepted from disclosure by sections 552.026 and 552.114.<sup>1</sup> Open Records Decision Nos. 332 (1982) at 3 (Gov't Code § 552.026); 294 (1981) (Gov't Code § 552.114). However, sections 552.026 and 552.114 may not be used to withhold whole documents; the educational institution must delete all information to the extent "reasonable and necessary to avoid personally identifying a student" or one or both of his parents. Open Records Decision Nos. 332 (1982); 206 (1978). In this instance, however, de-identification of the records would not protect the identity of the student, since the requestor is aware of the student's identity and student leadership position.

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<sup>1</sup>Your claim that the information is excepted from disclosure pursuant to section 552.101 appears to correlate with your claim that the information is excepted from disclosure by FERPA. Section 552.026 incorporates the requirements of FERPA. Open Records Decision No. 431 (1985). Hence, we do not specifically address the claim that the information must be withheld pursuant to section 552.101 of the Government Code.

You indicate the effected records relate to student disciplinary proceedings. We agree with this assessment. Records relating to student disciplinary proceedings are student records for the purposes of sections 552.026 and 552.114. Attorney General Opinion H-447 (1974); Open Records Decision No. 612 (1992).

Because the requested documents are student records at an educational institution funded wholly or in part by state revenue, you may not release the requested information. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/LMM/rho

Ref.: ID# 32004

Enclosures: Submitted documents

cc: Ms. Amanda J. Fowle  
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(w/o enclosures)