



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 14, 1995

Mr. Robert Giddings
Attorney
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2981

OR95-945

Dear Mr. Giddings:

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# 32584.

The University of Texas System (the "university") received several requests for information concerning correspondence between the university and the NCAA concerning student athletes who received correspondence-course credits from Southeastern College of the Assemblies of God. You contend that the information is excepted from required public disclosure under sections 552.026 and 552.114 of the Government Code.

We agree that some of the requested information is excepted from required public disclosure under sections 552.026 and 552.114. The transcripts you submitted for two particular students are education records. This information must be withheld. For your convenience, we have marked additional information that must be withheld under section 552.114 and FERPA with brackets.

However, some of the submitted information appears to fall within the definition of "directory information." The general prohibition against release of student information does not apply to "directory information." "Directory information" may be released under FERPA after compliance with notice requirements that afford affected students the right to object to the release of directory information relating to them. 20 U.S.C. § 1232g(a)(5)(B); *see also* Open Records Decision Nos. 244 (1980), 242 (1980), 229 (1979). "Directory information" includes, *but is not limited to*, the following:

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).

Although classification of information as "directory" is discretionary with the institution under federal law, the 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 privacy of any person. Open Records Decision No. 242 (1980), 229 (1979); *see also* Open Records Decision No. 244 (1980) ("Directory information" may include names of each student enrolled in certain courses and names of students present on each class day).

Accordingly, if the university has complied with FERPA's posting requirements, *see* 20 U.S.C. § 1232g(a)(5)(B), then the university must release the requested information to the requestor. *See* Open Records Decision No. 244 (1980). Directory information has been underlined. The remaining information must be released.

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/LBC/ch

Ref: ID# 32584

Enclosures: Marked documents

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