



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 22, 2005

Ms. Therese Sternenberg  
Officer for Public Information  
Texas Guaranteed Student Loan Corporation  
P.O. Box 83100  
Round Rock, TX 78683-3100

OR2005-02443

Dear Ms. Sternenberg:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 220373.

The Texas Guaranteed Student Loan Corporation ("TG") received a request for copies of any and all documents related to the requestor's loan, copies of regulations pertaining to those loans, the "Unified Student Loan Policy Manual," and laws and regulations in effect at the time of the loan. You state that you have released some of the information. Additionally, you state that some of the information is commercially available to the requestor, and TG is, therefore, not required to reproduce copies of this information pursuant to section 552.027 of the Government Code. You claim that the remaining information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

In Open Records Decision No. 563, this office determined that requests for "federal and state laws and regulations governing the activities of [TG]" and "statement[s] of [TG's] interpretation of these provisions" are not requests for documents. *See* Open Records Decision No. 563 at 8 (1990). Additionally, the Act does not require a governmental body to perform legal research for a requestor nor to answer general questions. *See* ORD 563 at 8; Open Records Decision No. 342 (1982). In this case, the requestor seeks copies of regulations pertaining to his loans, the "Unified Student Loan Policy Manual," and other laws and regulations in effect at the time of the loan. You have informed our office that you will provide a copy of the Unified Student Loan Policy Manual and your Collection

Reference Manual to the requestor. As for the laws and regulations requested, we conclude that you are not required to perform legal research for the requestor. *See* ORD 563; ORD 342. Therefore, it is not necessary to address this portion of the request, and we need not consider your argument under section 552.027 of the Government Code.

We will now consider your argument for the records related to the requestor's loans. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision" and encompasses information made confidential by other statutes. You raise section 552.101 in conjunction with section 57.11 of the Education Code. Section 57.11(d) provides that "[s]tudent loan borrower information collected, assembled, or maintained by [TG] is confidential and is not subject to disclosure under Chapter 552, Government Code." Educ. Code § 57.11(d). Based on your representations and our review of the submitted information, we agree that the information that you have marked constitutes student loan borrower information that is confidential under section 57.11(d).<sup>1</sup> We therefore conclude TG must withhold the information it has marked pursuant to section 552.101 of the Government Code.

In summary, you need not respond to the request for laws and regulations related to the requestor's loan. The information you have marked must be withheld under section 552.101 of the Government Code in conjunction with section 57.11(d) of the Education Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body

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<sup>1</sup>We note that you have already released the requestor's own loan information to him, and the information you have marked concerns other borrowers. *See* Gov't Code § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on the grounds that information is considered confidential by privacy principles).

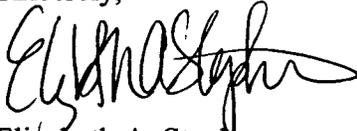
will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Elizabeth A. Stephens  
Assistant Attorney General  
Open Records Division

EAS/krl

Ref: ID#220373

Enc. Submitted documents

c: Mr. James L. Wallis  
P.O. Box 8135  
Woodland, CA 95776  
(w/o enclosures)