



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 10, 2009

Ms. Neera Chatterjee  
Public Information Coordinator  
The University of Texas System  
Office of General Counsel  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2009-01764

Dear Ms. Chatterjee:

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# 335318.

The University of Texas at San Antonio (the "university") received a request for the following information as pertains to seven specific university employees from September 1, 2004, to the date of the request: (1) base salary rate and amounts and dates of base salary rate increases, (2) job title and dates of promotions and title changes made, and (3) any additional compensation paid. You claim that the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

The submitted information consists of a list of the names, titles, yearly salaries, and dates of employment of certain university employees. We note that this information is subject to section 552.022(a)(2) of the Government Code, which provides:

[T]he following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

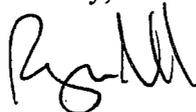
(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body[.]

Gov't Code § 552.022(a)(3). Accordingly, the university may withhold the submitted information only if it is "expressly confidential under other law." Although you raise section 552.103 of the Government Code, this section is a discretionary exception to disclosure that protects the governmental body's interests and which may be waived. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); *see also* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 (1999) (governmental body may waive section 552.103). As such, section 552.103 is not "other law" that makes information confidential for the purposes of section 552.022. Therefore, the university may not withhold the submitted information under section 552.103. As you raise no other exceptions to disclosure, the university must release the submitted information to the requestor.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/eb

Ref: ID# 335318

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

Ms. Sharmane Walker  
Office of the Vice President for Business Affairs  
The University of Texas at San Antonio  
One UTSA Circle  
San Antonio, Texas 78249  
(w/o enclosures)