



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 2, 2013

Mr. R. Brooks Moore
Managing Counsel, Governance
Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2013-17185

Dear Mr. Moore:

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# 504018 (Ref. No. TAR13.074).

Tarleton State University (the "university") received a request for correspondence referencing a named individual from eighteen named employees of the university during a specified time period, correspondence including the word "vacation" from seven named employees of the university during a specified time period, and the university's fiscal year 2014 budget submitted to the Texas A&M University System. You state the university will release some of the requested information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential, such as section 51.971 of the Education Code, which provides, in part:

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(e) Information is excepted from disclosure under [the Act] if it is collected or produced:

(1) in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation[.]

Educ. Code § 51.971(e)(1). Section 51.971 defines a compliance program as “a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies[.]” *Id.* § 51.971(a)(1). We understand the university is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). You inform us the submitted information pertains to allegations of policy and standard of conduct violations reported to and investigated by university administrators who are part of the university’s compliance program. Based on your representations, we find this information relates to an investigation conducted under the university’s compliance program. *See id.* § 51.971(a)(1). You state disclosure of the submitted information would interfere with the pending investigation by disclosing details of the specific allegations and the persons who are subjects of the report. Accordingly, the university must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 51.971 of the Education Code.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/akg

Ref: ID# 504018

Enc. Submitted documents

c: Requestor
(w/o enclosures)