



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 19, 2014

Mr. Kyle St. Clair
Assistant General Counsel
University of North Texas System
1155 Union Circle, #310907
Denton, Texas 76203

OR2014-04657

Dear Mr. St. Clair:

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# 517142 (UNTHSC PIR No. 001089).

The University of North Texas Health Science Center (the "university") received a request for the investigation report, allegations, names of the complainants, and specific information regarding the requestor's termination from the university. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 section encompasses information protected by other statutes, including section 51.971 of the Education Code. Section 51.971 of the Education Code provides, in relevant part, the following:

(a) In this section:

(1) "Compliance program" means 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, including matters of:

(A) ethics and standards of conduct;

- (B) financial reporting;
- (C) internal accounting controls; or
- (D) auditing.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

...

(c) The following are confidential:

(1) information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program[.]

(d) Subsection (c) does not apply to information related to an individual who consents to disclosure of the information.

Educ. Code § 51.971(a), (c)(1), (d). You inform us 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 state the investigations were undertaken by the university's compliance program. You state the investigations were conducted in order to assess and ensure compliance with all applicable laws, policies, ethics, and standards of conduct. 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).

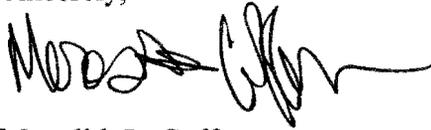
You state portions of the submitted information are confidential under section 51.971(c)(1). You state releasing the information you have marked would directly or indirectly reveal the identities of those individuals participating in a compliance program investigation. Subsection (c) does not apply to information related to an individual who consents to disclosure of the information. *Id.* § 51.971(d). You inform us none of these individuals at issue have consented to release of their information. Upon review, we find release of the information we have marked would directly or indirectly identify individuals who made the complaints participated in the investigation of the complaints. *See id.* § 51.971(c)(1). Thus, the university must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code. However, you have failed to demonstrate how the remaining information at issue is information that would directly or indirectly reveal the identities of the individuals who made the complaints, sought guidance from the compliance program office, or participated in the investigation. Consequently, you have failed to show how any of the remaining information

at issue is confidential under section 51.971 of the Education Code, and the university may not withhold it under section 552.101 of the Government Code on that basis. As you raise no further exceptions to disclosure, the university must release the remaining information.

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,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal flourish extending to the right.

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 517142

Enc. Submitted documents

c: Requestor
(w/o enclosures)