



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 22, 2014

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

OR2014-08803

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# 523644 (University ID# 14-0021).

Texas A&M University at Kingsville (the "university") received a request for all documentation pertaining to a specified complaint. 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. Section 51.971 of the Education Code provides in pertinent part:

(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; and

(2) information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

(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)-(d). 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 state the submitted information pertains to allegations of policy and standards 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 seek to withhold the information you have marked pursuant to section 51.971(c) of the Education Code. You state the information at issue relates to a closed compliance matter which resulted in the final determination that the allegations were unsubstantiated. You assert release of the marked information would identify the individuals who participated in the compliance program investigation and those who were the subjects of the complaint. Additionally, you do not indicate any of the relevant individuals have consented to the disclosure of their identifying information. Upon review, we agree release of the information

at issue would identify individuals who participated in the investigation of the complaint and the identities of the individuals who were the subjects of the unsubstantiated complaint. *See id.* § 51.971(c). Accordingly, the university must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 51.971 of the Education Code. As you raise no other exceptions to disclosure, the remaining information must be released.<sup>1</sup>

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](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,



Lee Seidlits  
Assistant Attorney General  
Open Records Division

CLS/tch

Ref: ID# 523644

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>Because this requestor has a special right of access to some of the information being released, if the university receives another request for this same information from a different requestor, the university must again seek a ruling from this office. *See* Educ. Code § 51.971(d).