



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 11, 2014

Ms. Ana Vieira
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2014-12013

Dear Ms. Vieira:

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# 528832 (OGC No. 155814).

The University of Texas at El Paso (the "university") received a request for four categories of information pertaining to a specified position posted during a specified time period. You state the university will withhold information subject to section 552.117 of the Government Code pursuant to section 552.024 of the Government Code.¹ You claim some of the submitted information is not subject to the Act. You claim the remaining submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

¹Section 552.024(c)(2) of the Government Code authorizes a governmental body to redact information protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the current or former employee or official to whom the information pertains timely chooses not to allow public access to the information. *See* Gov't Code § 552.024(c)(2).

²We 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.

Initially, you assert the University of Texas Electronic Identification Numbers (“UTEIDs”) contained in the submitted information are not subject to the Act. In Open Records Decision No. 581 (1990), this office determined that certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. You inform our office that when combined with an individual’s password, the UTEIDs serve as “the required log on protocol to access the computer mainframe, the [u]niversity’s centralized hub that runs all its high-level electronic functions.” You indicate the UTEIDs are used solely to access the university’s computer mainframe and that the UTEIDs have no other significance other than their use as tools for the maintenance, manipulation, or protection of public information. Based on your representations and our review, we find the UTEIDs contained in the submitted information do not constitute public information under section 552.002 of the Government Code. We, therefore, conclude the UTEIDs are not subject to the Act and need not be released to the requestor. Although you have asked this office to issue a previous determination as to whether UTEIDs are subject to the Act, we note, because we find that UTEIDs are not subject to the Act, a previous determination is not appropriate in this case. *See* Gov’t Code § 552.301(a) (previous determination is a determination that one of the Act’s exceptions to disclosure applies to the information at issue). However, in light of the fact this office has issued numerous rulings to the University of Texas System and its component institutions that UTEIDs are not subject to the Act, we note there is no need to submit UTEIDs to this office for a ruling in the future.

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. Section 552.101 encompasses section 51.971 of the Education Code, which provides in 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.

....

(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.

(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[.]

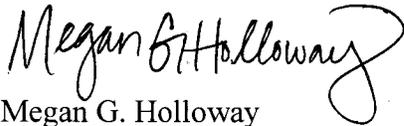
Educ. Code § 51.971(a), (c)–(e)(1). You state the remaining information at issue relates to an ongoing investigation into ethical questions and standards of conduct involving university employees. You state the purpose of this ongoing investigation is to assess and ensure compliance with all applicable laws, rules, regulations, and policies. You state the release of this information during the pendency of the investigation would interfere with, and potentially compromise, that investigation. Based on these representations and our review, we agree the remaining information at issue is confidential under section 51.971(e) of the Education Code, and the university must withhold it under section 552.101 of the Government Code on that ground.³

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.

³As our ruling is dispositive, we do not address your other arguments to withhold this information.

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 cursive script that reads "Megan G. Holloway". The signature is written in black ink and is positioned above the typed name.

Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/eb

Ref: ID#528832

Enc. Submitted documents

c: Requestor
(w/o enclosures)