



February 2, 2015

Ms. Ana Vieira
Senior Attorney & Public Information Coordinator
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2015-02039

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# 552232 (University of Texas OGC# 159111).

The University of Texas at San Antonio (the "university") received a request for all documentation related to a grievance filed by the requestor on October 13, 2014. You claim the submitted information is excepted from disclosure under sections 552.101, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Initially, you state, and we agree, some of the submitted information, which we have marked, was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2015-00823 (2015). In that ruling, we determined 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. There is no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the university must continue to rely on Open Records Letter No. 2015-00823 as a previous determination

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.

and withhold the information we have marked in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). Because the remaining information you have submitted was not at issue in the previous ruling, we will consider the public availability of this 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 exception encompasses information other statutes make confidential, such as section 51.971 of the Education Code, which provides, in part:

(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 note 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 assert the remaining submitted information pertains to an ongoing compliance investigation by the university’s Office of Institutional Compliance and Risk Services. You state the issues under review pertain to “ethical questions, standards of conduct, financial reporting, and/or the internal accounting practices of university employees.” Based on your representations, we find the remaining submitted information relates to an investigation conducted under the university’s compliance program. *See id.* § 51.971(a)(1). Accordingly, the university must withhold the remaining submitted information under section 552.101 of the Government Code in conjunction with section 51.971 of the Education Code.²

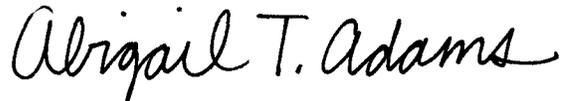
In summary, the university must continue to rely on Open Records Letter No. 2015-00823 as a previous determination and withhold the information we have marked in accordance with that ruling. The university must withhold the remaining submitted information under section 552.101 of the Government Code in conjunction with section 51.971 of the Education Code.

²As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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 that reads "Abigail T. Adams". The signature is written in a cursive, flowing style.

Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/akg

Ref: ID# 552232

Enc. Submitted documents

c: Requestor
(w/o enclosures)