



February 2, 2015

Ms. Audra Gonzalez Welter  
Attorney & Public Information Coordinator  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2015-02050

Dear Ms. Welter:

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# 557460 (OGC# 159608, 159641, 159665, 159717, 159845, and 159856).

The University of Texas System (the "system") received six requests from different requestors for a specified report. You state the system has released some of the requested information with the redaction of information subject to section 552.117 of the Government Code, as permitted by section 552.024(c) of the Government Code.<sup>1</sup> You claim some of 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 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:

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<sup>1</sup>Section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, emergency contact information, and family member information of current or former officials or employees of a governmental body. *See* Gov't Code § 552.117. Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the employee or official or former employee or official chooses not to allow public access to the information. *See id* § 552.024(c).

(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). We note the system 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 a completed external compliance investigation the Office of the Attorney General conducted on behalf of the system. You state the investigation relates to the management of money the University of Texas Law School Foundation provided for the support of the University of Texas Law School. Based on your representations and our review, we agree the information at issue pertains to the system's compliance program for purposes of section 51.971. *See id.* § 51.971(a).

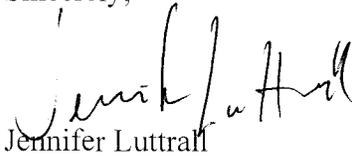
You claim release of the information you have marked would directly or indirectly reveal the identities of those individuals who participated in the investigation at issue. You do not indicate any of these individuals has consented to release of their information. Upon review, we agree release of most of the information you have marked, as well as the additional information we have marked, would directly or indirectly identify individuals as participants

in the compliance program investigation. *See id.* § 51.971(c)(1). However, we find portions of the information you have marked do not identify an individual who made a report to, sought guidance from, or participated in the compliance program investigation. Consequently, you have failed to show how this information is confidential under section 51.971 of the Education Code, and the system may not withhold this information, which we have marked for release, under section 552.101 on that basis. Therefore, with the exception of the information we have marked for release, the system must withhold the information you have marked, as well as the additional information we have marked, under section 552.101 of the Government Code in conjunction with section 51.971 of the Education Code. The remaining information must be released.

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,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/akg

Ref: ID# 557460

Enc. Submitted documents

c: 6 Requestors  
(w/o enclosures)