



February 9, 2015

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

OR2015-02490

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# 553010 (Ref. No. TAR15.026).

Tarleton State University (the "university") received a request for a specified report. 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." *See* Gov't Code § 552.101. This section encompasses information protected by other statutes. 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; 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 standard 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).

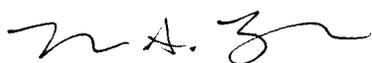
You state the submitted information consists of a completed compliance investigation, which concluded in a determination that one of the allegations in the complaint was substantiated, but the remaining allegations were unsubstantiated. You further state releasing the information you have marked would directly or indirectly reveal the identity of those individuals participating in a compliance program investigation or alleged to have participated in the activities subject to the unsubstantiated complaint. Subsection (c) does

not apply to information related to an individual who consents to disclosure of the information. *Id.* § 51.971(d). We understand none of the individuals whose information you have marked have consented to release of their information. Thus, we agree release of the information you have marked would directly or indirectly identify individuals who participated in the investigation of the complaint and the identity of the individual who was the subject of the unsubstantiated allegations. *See id.* § 51.971(c). Thus, the university must withhold this information under section 552.101 of the Government Code in conjunction with section 51.971(c) of the Education Code. As you raise no further exceptions to disclosure, the university must release the remaining information.¹

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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/cbz

Ref: ID# 553010

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹Because 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).