



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 4, 2015

Ms. June B. Harden  
Assistant Attorney General  
Assistant Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2015-04269

Dear Ms. Harden:

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# 559300 (OAG PIR Nos. 15-40654 and 15-40665).

The Office of the Attorney General (the "OAG") received two requests for reports regarding the OAG's investigation of the University of Texas School of Law's forgivable loan program and the School of Law's relationship with the Law School Foundation. You state the OAG has released some of the requested information. Although you take no position regarding the release of the submitted information, you state the University of Texas System (the "system") objects to release of the submitted information. *See* Gov't Code § 552.304 (interested party may submit written comments stating why information should or should not be released). You have submitted correspondence from the system, in which the system claims portions of the submitted information are excepted from disclosure under sections 552.101 and 552.117 of the Government Code. We have considered the submitted arguments 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:

(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). The system states the submitted information pertains to a completed external compliance investigation the OAG conducted on behalf of the system. The system states 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 these 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).

The system claims release of the information it has marked would directly or indirectly reveal the identities of those individuals who participated in the investigation at issue. The system does not indicate any of these individuals has consented to release of their information. Upon review, we agree release of most of the information the system has 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 the system has marked do not identify an individual who made a report to, sought guidance from, or participated in the compliance program investigation. Consequently, the system has failed to show how this information is confidential under section 51.971 of the Education Code, and the OAG 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 OAG must withhold the information the system has 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.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See Gov't Code* § 552.117(a)(1). We note section 552.117 only applies to information held by a governmental body in an employment context. Thus, information that is not held in an employment context may not be withheld under section 552.117(a)(1). The system seeks to withhold some of the remaining information pertaining to system employees under section 552.117(a)(1). However, we note the information at issue is held by the OAG, not the system. Accordingly, we find the system has not demonstrated this information in the possession of the OAG is subject to section 552.117(a)(1). Accordingly, the OAG may not withhold the information the system has marked under section 552.117(a)(1) of the Government Code.

In summary, with the exception of the information we have marked for release, the OAG must withhold the information the system 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 OAG must release the remaining information.

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,

A handwritten signature in black ink, appearing to read "Kristi L. Godden". The signature is fluid and cursive, with the first name "Kristi" being the most prominent.

Kristi L. Godden  
Assistant Attorney General  
Open Records Division

KLG/cz

Ref: ID# 559300

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)