



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 13, 2015

Mr. Kyle St. Clair
Assistant General Counsel
Office of General Counsel
University of North Texas System
1901 Main Street, Suite 216
Dallas, Texas 75201

OR2015-07066

Dear Mr. St. Clair:

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# 559908 (UNTHSC PIR No. 001390).

The University of North Texas Health Science Center (the "university") received a request for information pertaining to a specified investigation. You state the university will provide some of the requested information to the requestor. 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 representative sample of information.¹

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 information protected by other statutes, such as section 51.971 of the Education Code, which provides, in pertinent part:

(a) In this section:

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.

(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.

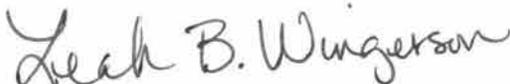
Educ. Code § 51.971(a), (c)-(d). You state the university is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). You assert the submitted information pertains to a closed investigation into allegations of employee misconduct. You state the compliance investigation was undertaken by the university's human resources department to assess and ultimately ensure that university employees have complied with all applicable law, rules, regulations, and policies. Based on your representations and our review, we find the information at issue relates to an investigation conducted under the university's compliance program. *See id.* § 51.971(a)(1).

You claim the information you have marked directly or indirectly identifies the individuals who participated in the compliance program investigation or who allegedly participated in the activities which were the subject of the investigation. You state the investigation at issue concluded in a determination the complaints were unsubstantiated, and none of the individuals at issue have consented to release of their information. Upon review, we agree release of the information at issue would identify individuals who participated in the investigation at issue or who allegedly participated in the activities which were the subject of the investigation. *See id.* § 51.971(c)(1)-(2). Accordingly, the university must withhold the information you have marked, and the additional information we have marked, under section 552.101 of the Government Code in conjunction with section 51.971 of the Education Code. As you have not claimed any other exceptions to disclosure, the university 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, 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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/bhf

Ref: ID# 559908

Enc. Submitted documents

c: Requestor
(w/o enclosures)