



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 7, 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

OR2015-13668

Dear Ms. Gonzalez 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# 571405 (OGC No. 161244).

The University of Texas System (the "system") received a request for two categories of information related to a specified report, to include a specified e-mail communication and a specified document. You state you will redact information pursuant to the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.107 of the Government Code. Further, you indicate release of the submitted information may implicate the proprietary interest of Kroll Associates, Inc. ("Kroll"). You state you notified Kroll of the request for information and of its right to submit arguments to this office as to why its information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Act in certain circumstances). We have considered the submitted arguments and reviewed the submitted information.

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<sup>1</sup>The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office FERPA does not permit state and local educational authorities to disclose to this office, without parental or an adult student's consent, unredacted, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Act. The DOE has determined FERPA determinations must be made by the educational authority in possession of the educational records. We have posted a copy of the letter from the DOE on the Attorney General's website at <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

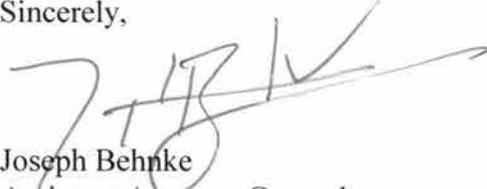
Initially, you assert, and we agree, some of the submitted information is not responsive to the present request for information. This ruling does not address the public availability of non-responsive information, which you have marked, and the system need not release non-responsive information to the requestor.

Next, the submitted information is the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2015-10528 (2015) and 2015-12433 (2015). In Open Records Letter No. 2015-10528, we ruled, in pertinent part, the system may withhold the information at issue under rule 503 of the Texas Rules of Evidence. In Open Records Letter No. 2015-12433, we determined the system may withhold the marked information under section 552.107 of the Government Code and release the remaining information. As you do not indicate there has been any change in the law, facts, and circumstances on which the previous rulings were based, we conclude the system may rely on Open Records Letter Nos. 2015-10528 and 2015-12433 as previous determinations and continue to withhold or release the submitted information in accordance with those rulings.<sup>2</sup> See Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

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<sup>2</sup>As we are able to make this determination, we need not address the submitted arguments for this information.

Ref: ID# 571405

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. William Nugent  
Kroll Associates, Inc.  
1835 Market Street, Suite 2950  
Philadelphia, Pennsylvania 19103  
(w/o enclosures)