



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 29, 2015

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

OR2015-15490

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# 573315 (OGC# 161980).

The University of Texas at Austin (the "university") received a request for the hours worked, including the starting and ending times, for a named employee during a specified time period. You state the university will release some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. Additionally, you notified the named employee of the request for information and of her right to submit written comments to this office stating why the submitted information should or should not be released.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses information made confidential by judicial decision and the common-law physical safety exception. The Texas Supreme Court has recognized, for the first time, a common-law physical safety exception to required disclosure. *Tex. Dep't of Pub. Safety v. Cox Tex. Newspapers, L.P. & Hearst Newspapers, L.L.C.*, 343 S.W.3d 112, 118 (Tex. 2011). Pursuant to this common-law physical safety exception, "information may be withheld [from public release] if disclosure would create a substantial threat of physical harm." *Id.* In applying this standard, the court noted "deference must be afforded" law enforcement experts regarding the probability of harm, but further cautioned, "vague

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<sup>1</sup>As of the date of this ruling, we have not received comments from the named employee.

assertions of risk will not carry the day.” *Id.* at 119. Upon review of the submitted arguments, we find the university has failed to demonstrate how release of the submitted information would create a substantial threat of physical harm. Therefore, the university may not withhold the submitted information under section 552.101 of the Government Code in conjunction with the common-law physical safety exception. As you raise no further exceptions to disclosure, the university must release the submitted 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,



Kristi L. Godden  
Assistant Attorney General  
Open Records Division

KLK/cz

Ref: ID# 573315

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Amber Shah  
C/o: Ms. Audra Gonzalez Welter  
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