KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 17, 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

OR2015-19439

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# 579685 (TAMUS SO-15-066).

The Texas A&M University System (the "system") received a request for a specified ethics report. You claim 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 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.
>
> . . .
>
> (e) Information is excepted from disclosure under [the Act] if it is collected or produced:
>
> > . . .
> >
> > (2) by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system.

Educ. Code § 51.971(a), (e)(2). We understand the system 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 concerns an allegation of a breach of standards of conduct and ethics. In response to the allegation, you state the system's Internal Audit Department, as part of the system's compliance program, initiated an internal review to assess and ensure employees' compliance with applicable laws, rules, regulations, and policies. You explain the information at issue was collected for the purpose of reviewing compliance processes at Texas A&M University-Kingsville, a component of the system. Based on your representations and our review, we conclude the system must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 51.971(e)(2) of the Education Code.

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,

Cole Hutchison

Cole Hutchison
Assistant Attorney General
Open Records Division

CH/som

Ref: ID# 579685

Enc. Submitted documents

c: Requestor
(w/o enclosures)