



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 14, 2015

Ms. Vanessa Gonzalez
Counsel for Southern Methodist University
Bickerstaff Heath Delgado Acosta, L.L.P.
Building 1, Suite 300
3711 South Mopac Expressway
Austin, Texas 78746

OR2015-26259

Dear Ms. Gonzalez:

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# 588488.

Southern Methodist University Police Department (the "department") received a request for "the salary and contract of the SMU Police Chief." You state the requested contract documents do not exist.¹ You claim the submitted information is not subject to the Act. We have considered your arguments and reviewed the submitted information.

We note the 84th Legislature added section 51.212(f) of the Education Code, which reads as follows:

(f) A campus police department of a private institution of higher education is a law enforcement agency and a governmental body for purposes of [the Act], only with respect to information relating solely to law enforcement activities.

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App. San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

Educ. Code § 51.212(f). You inform us the department is a campus police department of a private institution of higher education. *See id.* §§ 51.212(e), 61.003. Thus, you acknowledge the department is a governmental body for purposes of the Act, and information maintained by the department is subject to disclosure under the Act, to the extent such information relates solely to law enforcement activities. You argue the submitted salary information is administrative information and does not relate “solely to law enforcement activities.” Upon review, we agree the information is administrative in nature and does not relate solely to law enforcement. *See id.* Accordingly, we find the submitted information is not subject to disclosure pursuant to section 51.212(f), and need not be released to the requestor.

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,



Joseph Keeney
Assistant Attorney General
Open Records Division

JDK/dls

Ref: ID# 588488

Enc. Submitted documents

c: Requestor
(w/o enclosures)