



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 4, 2016

Mr. R. Brooks Moore
Managing Counsel
The Texas A&M University System
301 Tarrow Street, Sixth Floor
College Station, Texas 77840-7896

OR2016-05136

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# 600807 (PIR# 15-1030).

Texas A&M University (the "university") received a request for any communication to the university president pertaining to applicant recommendations during a specified time period. You claim the submitted information is excepted from disclosure under section 552.114 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.114(b) of the Government Code provides:

Information is confidential and excepted from the requirements of [the Act] if it is information in a student record at an educational institution funded wholly or partly by state revenue. This subsection does not prohibit the disclosure or provision of information included in an education record if the disclosure or provision is authorized by 20 U.S.C. [s]ection 1232g or other federal law.

¹We note the university did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b). Nonetheless, because section 552.114 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

Gov't Code § 552.114(b). Section 552.114(a) defines a student record to include "information in a record of an applicant for admission to an educational institution[.]" *See id.* § 552.114(a). We understand the university is an educational institution funded wholly or partly by state revenue. In this instance, the requestor seeks information regarding "prospective" applicants to the university. The university represents the submitted information pertains to applicants to the university. Therefore, we find this information is in a student record for section 552.114 purposes. Accordingly, the university must withhold the applicants' student records in their entirety under section 552.114(b) of the Government 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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/eb

Ref: ID# 600807

Enc. Submitted documents

c: Requestor
(w/o enclosures)