



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 5, 2016

Ms. Vanessa A. Gonzalez
Counsel for Baylor University
Bickerstaff, Heath Delgado Acosta, LLP
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Building 1, Suite 300
Austin, Texas 78746

OR2016-15252

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# 617222.

The Baylor University Police Department (the "department"), which you represent, received a request for a specified incident report. You assert the submitted information is not subject to the Act. Alternatively, you claim the submitted information is excepted from disclosure under the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code, and sections 552.101 and 552.108 of the Government Code. We have considered your arguments and reviewed the submitted information.

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.

Educ. Code § 51.212(f). We understand the department is a campus police department of a private institution of higher education. *See id.* §§ 51.212(e), 61.003. Thus, 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 inform us the submitted police offense report was created and is maintained by the department for a non-law enforcement purpose. You state the department did not conduct any criminal investigation into the matter. You explain the department created the submitted report in order to brief Baylor University's Title IX office on the incident at issue. We understand the purpose of the Title IX office is to "ensure compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination, including sexual harassment and sexual violence, based on sex in the University's educational programs and activities." We understand the Title IX office is not a law enforcement office. Upon review, we agree the submitted information does not relate solely to law enforcement activities. Accordingly, we find the submitted information is not subject to disclosure under section 51.212(f) of the Education Code, and the department need not release it to the requestor. As we are able to make this determination, we do not address your remaining arguments against disclosure.

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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/bw

Ref: ID# 617222

Enc. Submitted documents

c: Requestor
(w/o enclosures)