



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

April 3, 1975

The Honorable Richard C. Gibson
The University of Texas System Law Office
601 Colorado Street
Austin, Texas 78701

Open Records Decision No. 77

Re: Request for notes of
faculty members made at a
committee meeting.

Dear Mr. Gibson:

Pursuant to section 7 of article 6252-17a, V. T. C. S., the Open Records Act, you have requested our decision concerning a request for the notes made by individual members of the University of Texas at Austin Academic Freedom Committee. This committee is similar to a grievance committee, and the person requesting the information is a faculty member who contends that the information should be made available under section 3(a)(2) of the Act, which gives a person access to information in his own personnel file.

Your position is that the requested information is not within the scope of the Act, which, with certain exceptions, makes public "[a]ll information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business." Sec. 3(a).

The Academic Freedom Committee makes its decision and final report in writing, and this report is signed by the chairman of the Committee. The Committee does not maintain minutes and does not record votes during the proceedings. You state that, in fact, members of the committee often make personal notes for their individual use as memory reminders, but that the University does not require or control this.

We have received no evidence contesting your assertion that these notes are not collected and maintained by the University.

We agree that the Open Records Act does not reach the personal notes of an individual employee in his sole possession and made solely for his own use.

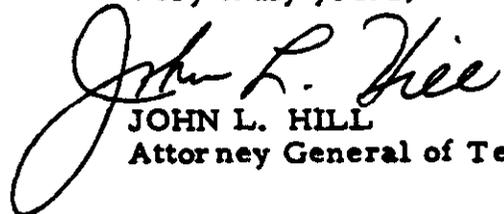
We believe that our conclusion is compelled by the plain words of the Open Records Act, which applies only to information which is collected, assembled or maintained by a governmental body. We note that a provision in an analogous federal statute, the Family Education Rights and Privacy Act of 1974, specifically recognizes that employees may make notes for their personal use, and states that educational records available under that act do not include:

(i) records of instructional, supervisory, and administrative personnel and educational personnel ancilliary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;... 20 U. S. C. A. § 1232g(a)(4)(A) (Supp. 1975) as amended by P. L. 93-568 (Dec. 31, 1974), U. S. Code Cong. and Admin. News 6834, 6838 (Pamphlet No. 13, 1974).

It is our decision that personal notes of a faculty committee member which are in his sole possession and made for his individual use are not public information within the meaning of section 3(a) of the Open Records Act.

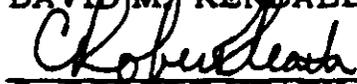
We do not address ourselves to any other rights of access an individual affected by the Committee's action may have.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee