



Office of the Attorney General
State of Texas

December 31, 1993

DAN MORALES
ATTORNEY GENERAL

Ms. R. Yvette Clark
General Counsel
Stephen F. Austin State University
P.O. Box 13065
SFA Station
Nacogdoches, Texas 75962-3065

OR93-774

Dear Ms. Clark:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552.¹ We assigned your request ID# 22783.

Stephen F. Austin State University (the "university") has received a request for several categories of information relating to an investigation into alleged infractions of NCAA regulations. You seek to withhold audiotapes of student interviews from required public disclosure under sections 552.026, 552.101, and 552.114 of the act. Open Records Decision No. 539 (1990) governs your request. The audiotapes are records that are directly related to a student and are maintained by an educational institution. Therefore, they are excepted from disclosure under the Federal Educational Rights and Privacy Act of 1974 and section 552.026 of the act. Accordingly, we conclude that the requested audiotapes must be withheld from required public disclosure.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in cursive script that reads "Rebecca L. Payne".

Rebecca L. Payne

Section Chief

Open Government Section

Ref.: ID# 22783

¹We note that the Seventy-Third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

Enclosure: Submitted audiotape

cc: Ms. Peggy S. Vigil
Head Women's Track Coach
Stephen F. Austin State University
P.O. Box 13041
SFA Station
Nacogdoches, Texas 75962-3041
(w/o enclosure)