



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 5, 1997

Ms. Priscilla A. Lozano  
The University of Texas System  
Office of the General Counsel  
201 West Seventh Street  
Austin, Texas 78701-2981

OR97-1296

Dear Ms. Lozano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106482.

The University of Texas of the Permian Basin ("UTPB") received a request for the following information:

1. The names of the members of the hearing tribunal that reviewed any grievances, allegations or evidence in the matter of the Dr. Waylon Griffin's employment at UTPB.
2. The recommendations and findings of the hearing tribunal in the matter of Dr. Waylon Griffin's employment at UTPB.

You state that UTPB is providing the requestor with the information responsive to item 1 of the request. You contend that the document responsive to item 2 of the request is excepted from disclosure under sections 552.026 and 552.114 of the Government Code. You have redacted all student names from the document at issue and submitted it to this office for review.

In Open Records Decision No. 634 (1995), this office concluded that (1) an educational agency or institution may withhold from public disclosure information that is protected by the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, and excepted from required public disclosure by sections 552.026 and 552.101 without the necessity of requesting an attorney general decision as to those exceptions, and (2) an educational agency or institution that is state-funded may withhold from public disclosure information that is excepted from required public disclosure by section 552.114 as a "student record," insofar as the "student record" is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception. In this instance, however, you have submitted to this office a document from which all student names have been redacted.

“Education records” under FERPA are records that

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

20 U.S.C. § 1232g(a)(4)(A). *See also* Open Records Decision Nos. 462 (1987), 447 (1986). The document at issue is an education record under FERPA. Prior to releasing the document to the requestor, FERPA requires UTPB to delete information from the document to the extent “reasonable and necessary to avoid personally identifying a particular student.” Open Records Decision Nos. 332 (1982), 206 (1978). You state that “[e]ven with names redacted, the document contains personally identifiable information from which the University is also prohibited from releasing.” It does not appear to us that the de-identified document submitted to this office contains any information that is protected by FERPA. Furthermore, you have not explained how the de-identified document personally identifies particular students. Therefore, we conclude that UTPB must release this de-identified document to the public without making further redactions.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 106482

Enclosures: Submitted documents

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