



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 11, 1998

Mr. Michael H. Corley
The University of Texas System
Office of General Counsel
201 West Seventh Street
Austin, Texas 78701-2981

OR98-0421

Dear Mr. Corley:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113203.

The University of Texas System (the "university system") received a request for information gathered by the university system's auditors in preparing for a September 1997 report on the University of Texas at San Antonio. You assert that the requested information is excepted from required public disclosure based on section 552.116 of the Government Code.

Section 552.116 reads as follows:

An audit working paper or draft audit report of the state auditor or of another state agency or institution of higher education as defined by Section 61.003, Education Code, is excepted from [required public disclosure].

The Seventy-fifth Legislature amended section 552.116. Act of May 30, 1997, H.B. 2906, § 10, 75th Leg., R.S. The House Bill amending section 552.116 also amends Government Code section 321.001 to define the term "audit working paper" as

all documentary and other information prepared or maintained in conducting an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and all draft reports or portions thereof.

We have reviewed the submitted information. We believe the information constitutes "audit working paper[s]" as defined in Government Code section 321.001. Accordingly, the university system may withhold the requested information from the requestor based on section 552.116 of the Government Code.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref: ID# 113203

Enclosures: Submitted documents

cc: Mr. Alvaro Arias
4535 Shavano Peak
San Antonio, Texas 78230
(w/o enclosures)