



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 7, 2010

Ms. Zeena Angadicheril
Office of the General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2010-18307

Dear Ms. Angadicheril:

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# 402293 (OGC# 133215).

The University of Texas at San Antonio (the "university") received a request for information pertaining to a compliance investigation into expenditures of a named individual at the Institute of Texas Culture. You claim that portions of the submitted information are excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential. You raise section 552.101 in conjunction with section 51.971 of the Education Code, which provides in part:

(a) In this section:

(1) "Compliance program" means a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies, including matters of:

(A) ethics and standards of conduct;

- (B) financial reporting;
- (C) internal accounting controls; or
- (D) auditing.

...

(c) The following are confidential:

(1) information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program; and

(2) information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

(d) Subsection (c) does not apply to information related to an individual who consents to disclosure of the information.

Educ. Code § 51.971. You state that, in response to concerns voiced by university employees, the university's Office of Institutional Compliance and Risk Services initiated a review of "ethical questions, standards of conduct, financial reporting, and/or the internal accounting practices" of the university or its employees. You state the review was initiated to "assess and ultimately ensure compliance with all relevant laws, rules, regulations and policies," as part of the university's internal compliance process. Upon review, we agree the information at issue pertains to the university's administrative investigation for purposes of section 51.971. *See* Educ. Code § 51.971(a). You state none of the individuals who made the complaint and/or participated in the investigation have consented to release of their identifying information. *See id.* § 51.971(d). Accordingly, we agree most of the information you marked must be withheld under section 552.101 in conjunction with section 51.971(c) of the Education Code. However, you have failed to demonstrate how the remaining information you marked identifies a complainant or participant for purposes of section 51.971(c). Consequently, you have failed to show the remaining information is confidential under section 51.971(c), and it may not be withheld on that basis. As you raise no further exceptions to its disclosure, we have marked the remaining information for release.

Section 552.136 of the Government Code states that “[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). You explain that the expense account number you have marked can be used to purchase goods and services at the university’s expense. Accordingly, the university must withhold the expense account number you have marked under section 552.136 of the Government Code.

In summary, except for the information we have marked for release, the university must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 51.971(c) of the Education Code and section 552.136 of the Government Code. The remaining information must be released.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/tf

Ref: ID# 402293

Enc. Submitted documents

c: Requestor
(w/o enclosures)