



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

January 10, 2011

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

OR2011-00488

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# 405441 (OGC 133881).

The University of Texas at Austin (the "university") received a request for cellular phone records showing all calls and text messages placed from and received by a named individual's university issued phone during a specified time period. You state that, as permitted by section 552.024(c) of the Government Code, you will redact information subject to section 552.117 of the Government Code.¹ You claim that the requested information is excepted from disclosure under sections 552.101 and 552.103 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 disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't

¹Section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body. Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the employee or official or former employee or official chooses not to allow public access to the information. See Gov't Code § 552.117, .024(c).

(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.

(e) Information produced in a compliance program investigation the release of which would interfere with an ongoing compliance investigation is excepted from disclosure under Chapter 552, Government Code.

Educ. Code § 51.971(a), (e). Section 51.971 defines a compliance program as a process to assess and ensure compliance by officers and employees of an institution of higher education. *Id.* § 51.971(a)(1). You state the submitted information relates to allegations made against an employee of the university's athletic department. You further state that, pursuant to allegations made against the employee, the university "initiated its internal process of review to assess and ultimately ensure that its employees complied with all applicable law, rules, regulations, and policies." You inform us that the allegations are currently being investigated under the internal compliance process as pertaining to ethical questions and standards of conduct relating to university employees. Based on your representations and our review, we agree the submitted information pertains to the university's compliance program for purposes of section 51.971. *See id.* § 51.971(a).

You seek to withhold the submitted information in its entirety under section 51.971(e). This section requires (1) there be an ongoing compliance program investigation, and that (2) release of the records at issue would interfere with such investigation. *Id.* § 51.971(e). You inform this office that the submitted information pertains to an ongoing compliance investigation being conducted by the university. You further assert that release of the submitted information at this time would interfere with the investigation. Accordingly, we conclude the university must withhold the submitted information in its entirety under

section 552.101 of the Government Code in conjunction with section 51.971(e) of the Education Code.²

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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 405441

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address your remaining arguments against disclosure.