



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 23, 2011

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

OR2011-03961

Dear Ms. Chatterjee:

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# 412016 (OGC# 134817).

The University of Texas at Austin (the "university") received a request for records pertaining to the (1) 2009-2010 recommended and actual mid-year raises and (2) Fall 2010 recommended and actual one-time salary supplements. You claim some of the requested information is not subject to the Act. Alternatively and additionally, you claim the requested salary information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, you assert the University of Texas Electronic Identification Numbers ("UTEIDs") contained in the requested records are not subject to the Act. In Open Records Decision No. 581 (1990), this office determined certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code.

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and, therefore, does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

You inform our office that, when combined with an individual's password, the UTEIDs serve as "the required log on protocol to access the computer mainframe, the [u]niversity's centralized hub that runs all its high-level electronic functions." You indicate the UTEIDs are used solely to access the university's computer mainframe and have no other significance other than their use as tools for the maintenance, manipulation, or protection of public information. Based on your representations and our review, we find the UTEIDs contained in the requested records do not constitute public information under section 552.002 of the Government Code. We, therefore, conclude the UTEIDs are not subject to the Act and need not be released to the requestor.<sup>2</sup>

We note the requested salary information is subject to section 552.022 of the Government Code. This section provides, in pertinent part:

(a) [T]he following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

...

(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body[.]

Gov't Code § 552.022(a)(2). The requested salary information must be released under section 552.022(a)(2), unless the information is expressly confidential under other law. Although you claim the information is excepted under section 552.103 of the Government Code, this section is a discretionary exception to public disclosure that protects a governmental body's interests and may be waived. *See id.* § 552.007; *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision No. 665 at 2 n.5 (discretionary exceptions generally). As such, section 552.103 is not "other law" that makes information confidential for purposes of section 552.022. Consequently, the university may not withhold the requested salary information under section 552.103 of the Government Code. As you have not claimed any other exceptions to disclosure, the requested salary information must be released.

In summary, the UTEIDs are not subject to the Act and the university need not release them to the requestor. The university must release the requested salary information.

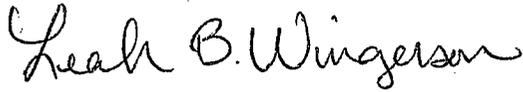
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<sup>2</sup>As our ruling for this information is dispositive, we need not address your remaining argument against disclosure for this information.

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](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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 412016

Enc. Submitted documents

c: Requestor  
(w/o enclosures)