



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 18, 2011

Ms. Jennifer E. Bloom
Assistant General Counsel
Office of Legal Counsel
University of Houston System
311 Ezekiel Cullen Building
Houston, Texas 77204-2028

OR2011-11991

Dear Ms. Bloom:

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# 427344.

The University of Houston (the "university") received a request for a named individual's response to a claim the requestor filed with the university. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception 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 Code § 552.101. This exception encompasses information other statutes make confidential, such as 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.

...

(e) Information is excepted from disclosure under Chapter 552, Government Code, if it is collected or produced:

- (1) in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation; or
- (2) by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system.

Act of May 17, 2011, 82nd Leg., R.S., S.B. 1327, § 1 (to be codified as amendment to Educ. Code § 51.971(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. Educ. Code § 51.971(a)(1). You state the requested information “pertains to a complaint and subsequent investigation pertaining to ethics and standards of conduct relating to a faculty member of the university.” Based on your representation and our review, we agree the information at issue pertains to the university’s compliance program for purposes of section 51.971. *See id.* § 51.971(a). You inform this office the information at issue pertains to an ongoing compliance investigation by the university. You further assert release of the information at this time would interfere with the investigation. Accordingly, we conclude the university must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 51.971(e) of the Education Code. As our ruling is dispositive, we need not address your remaining argument against disclosure.

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,

A handwritten signature in black ink, appearing to read "Mack T. Harrison". The signature is fluid and cursive, with a prominent flourish at the end.

Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 427344

Enc. Submitted documents

c: Requestor
(w/o enclosures)