



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 13, 2012

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

OR2012-00678

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# 442383 (OGC No. 140622).

The University of Texas Medical Branch at Galveston (the "university") received a request for information related to the complaint or complaints filed against the requestor on or about a specified date. You claim the submitted information is excepted from disclosure pursuant to 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 public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 51.971 of the Education Code, which provides:

(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

...

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

Educ. Code § 51.971(a), (c)(1), (d). You state the submitted information pertains to an investigation undertaken by the university's Office of Human Resources. You state the investigation was in response to allegations against a university employee and was initiated in order to assess and ensure compliance with all applicable laws, rules, regulations, and policies. We agree the submitted information relates to an investigation conducted under the university's compliance program. *See id.* § 51.971(a).

You explain releasing the submitted information would directly or indirectly reveal the identity of those individuals making a report to, seeking guidance from, or participating in a compliance program investigation. Based on your representations and our review, we agree release of some of the submitted information, which we have marked, would directly or indirectly reveal the identity of the individuals who made complaints or participated in the investigation at issue and did not consent to disclosure of their information. Thus, the university must withhold this marked information under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code. However, we find you have failed to demonstrate how the remaining information directly or indirectly reveals the identity of a complainant, an individual who sought guidance, or a participant in a compliance program investigation for purposes of section 51.971(c). Consequently, no portion of the remaining information may be withheld on that basis. As no further exceptions to disclosure have been raised, 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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 442383

Enc. Submitted documents

c: Requestor
(w/o enclosures)