



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 30, 2012

Mr. R. Brooks Moore
Managing Counsel, Governance
Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840

OR2012-11878

Dear Mr. Moore:

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# 460412.

Texas A&M University San Antonio (the "university") received two requests from different requestors for all information created during a specified time period pertaining to a named individual's complaint. The second requestor also seeks information relating to the fall 2012 class schedule teaching assignments. You state the university will release information pertaining to the class schedule to the second requestor. 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 representative sample of information.¹

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:

¹We 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 those submitted to this office.

(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(a), (c)-(d). You state the submitted information pertains to a completed investigation undertaken by the university's administrators, who are part of the university's compliance program. You further state the investigation was initiated in response to allegations against university employees of civil rights violations in order to assess and ensure compliance with all applicable laws, rules, regulations, and policies. Upon review, we agree the information at issue relates to an investigation conducted under the university's compliance program. *See id.* § 51.971(a).

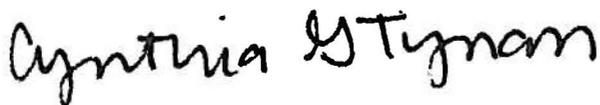
You explain releasing the submitted information would directly or indirectly reveal the identity of those individuals who made the complaint, participated in the investigation, or were alleged to have participated in the activities subject to the complaint. You inform us the investigation concluded in a determination the complaint was unsubstantiated or without

merit. 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 the complaint, participated in the investigation, or were alleged to have participated in the activities subject to the complaint. Further, we understand none of the individuals at issue consented 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, individuals who participated in the investigation, or individuals alleged to have participated in the activities subject to the complaint 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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/ag

Ref: ID# 460412

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)