



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 31, 2012

Mr. R. Brooks Moore  
Managing Counsel, Governance  
Office of the General Counsel  
The Texas A&M University System  
301 Tarrow Street, 6<sup>th</sup> Floor  
College Station, Texas 77840-7896

OR2012-13822

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# 463609 (No. 12-87).

Prairie View A&M University (the "university") received a request for the university's response to a communication from the chief auditor of the Texas A&M System (the "system"). You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

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. You claim section 552.101 in conjunction with section 51.971 of the Education Code, which provides in part:

(e) Information is excepted from [required public disclosure] if it is collected or produced:

...

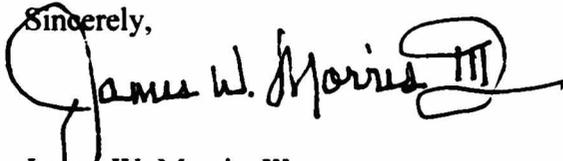
(2) by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system.

Educ. Code § 51.971(e)(2); *see id.* § 51.971(a)(1)(A) (defining “compliance program” as meaning “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 . . . ethics and standards of conduct”). You inform us the submitted information is related to an allegation of breach of standards of conduct/ethics at the university. You state the matter was reported to the system, whose System Internal Audit Department (the “SIAD”) initiated an internal review to ensure compliance by university employees with applicable laws, rules, regulations, and policies. We understand the SIAD is responsible for, among other things, compliance reviews. You inform us the SIAD provided a final report of its investigation to the university. You state the SIAD required a response from the university for the purpose of reviewing changes to its compliance processes as a result of the allegation and the SIAD’s investigation. You explain the SIAD required the response, to which the requestor seeks access, to describe “the actions taken to address the issues identified during [the SIAD’s] review.” Based on your representations, we find the university’s response was “collected . . . by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system.” *Id.* § 51.971(e)(2). We therefore conclude the university must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 51.971(e)(2) of the Education Code.

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,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large, stylized initial "J" and a prominent "III" at the end.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/bhf

Ref: ID# 463609

Enc: Submitted documents

c: Requestor  
(w/o enclosures)