



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 18, 2012

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

OR2012-14839

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# 465334 (12-017, SO-12-065).

Texas A&M University-Texarkana and the Texas A&M University System (collectively, the "university") each received a request for the final report pertaining to a specified investigation. 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. 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 allegations of breaches of standards of conduct/ethics that were reported to the Texas A&M University System (the “system”). You state the System Internal Audit Department (the “SIAD”) and the System Director of Equal Opportunity and Diversity (the “SDEOD”) initiated an internal review to ensure compliance by university employees with applicable laws, rules, regulations, and policies. We understand the SIAD and SDEOD are responsible for, among other things, compliance reviews. Based on your representations, we find the submitted information 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/opcn/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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 465334

Enc. Submitted documents

c: Requestor
(w/o enclosures)