



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 22, 2016

Mr. George Haratsis
Counsel for the Texas Christian University Police Department
McDonald Sanders, P.C.
777 Main Street, Suite 1300
Fort Worth, Texas 76102

OR2016-01645

Dear Mr. Haratsis:

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# 594839.

The Texas Christian University Police Department (the "department"), which you represent, received a request for copies of parking tickets issued to students in two specified campus lots during a specified time period. We understand the department will release some information upon the requestor's response to a cost-estimate letter. You claim the submitted information is not subject to the Act. In the alternative, you claim portions of the submitted information are excepted from disclosure under section 552.130 of the Government Code.¹ We have considered the submitted arguments and reviewed the submitted representative sample of information.²

¹Although you raise section 552.026 of the Government Code, this section is not an exception to disclosure. Rather, section 552.026 provides the Act does not require the release of information contained in education records except in conformity with the Family Educational Rights and Privacy Act of 1974. *See* Gov't Code § 552.026. Further, although you also raise section 552.101 of the Government Code, you have provided no arguments explaining how this exception is applicable to the submitted information. Therefore, we assume you no longer assert this exception. *See id.* §§ 552.301(e)(1)(A), .302.

²We 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 that those records contain substantially different types of information than that submitted to this office.

Initially, we note the 84th Legislature added section 51.212(f) of the Education Code, which reads as follows:

(f) A campus police department of a private institution of higher education is a law enforcement agency and a governmental body for purposes of [the Act], only with respect to information relating solely to law enforcement activities.

Educ. Code § 51.212(f). You inform us the department is a campus police department of a private institution of higher education. *See id.* §§ 51.212(e), 61.003. Thus, you acknowledge the department is a governmental body for purposes of the Act, and information maintained by the department is subject to disclosure under the Act, to the extent such information relates solely to law enforcement activities. You state the submitted information is maintained by the department. However, you argue section 51.212(f) only applies to “incidents and law enforcement activities and related records occurring after [section 51.212(f)’s] effective date.” You state that pursuant to section 311.022 of the Government Code, a statute is presumed to be prospective in its operation unless expressly made retrospective. Gov’t Code § 311.022. Section 51.212(f) of the Education Code went into effect on September 1, 2015. The department received the instant request on October 25, 2015 and sought a ruling from our office on November 6, 2015. Upon review, we find the submitted information consists of records maintained by the department on or after the effective date of section 51.212(f) of the Education Code. Thus, applying section 51.212(f) to the submitted information is a prospective application of the statute. Accordingly, pursuant to section 51.212(f), the submitted information is subject to the Act to the extent such information relates solely to law enforcement activities, and the department must release it unless the department demonstrates the information falls within an exception to public disclosure under the Act. *See id.* §§ 552.006, .021, .301, .302. You acknowledge the submitted information relates solely to law enforcement activities. Accordingly, we will address your claimed exception against its disclosure.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country is excepted from public release. *Id.* § 552.130. Upon review, we find the department must withhold the motor vehicle record information you have indicated under section 552.130 of the Government Code. As no further exceptions to disclosure have been raised, the department must release the remaining information.

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.texasattorneygeneral.gov/open/>

[orl_ruling_info.shtml](#), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Britni Ramirez
Assistant Attorney General
Open Records Division

BR/bhf

Ref: ID# 594839

Enc. Submitted documents

c: Requestor
(w/o enclosures)