



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 17, 2016

Ms. Jennifer Burnett
Office of the General Counsel
University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2016-03730

Dear Ms. Burnett:

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# 599742 (OGC# 166444).

The University of Texas at Arlington (the "university") received a request for a specified incident report. The university states it will withhold information pursuant to sections 552.130 and 552.136 of the Government Code.¹ The university claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note the university seeks to withhold the dates of birth of public citizens. In Open Records Letter No. 2016-00361 (2016), this office issued a previous determination to the university authorizing it to withhold dates of birth of living individuals without requesting a decision from this office. *See* Gov't Code § 552.301 (a); Open Records

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.136(c) of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301 (a) of the Government Code). Therefore, the university must withhold the dates of birth in the submitted information in accordance with the previous determination issued in Open Records Letter No. 2016-00361.

Next, the university informs us some of the requested information was also the subject of Open Records Letter No. 2016-01714 (2016). We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the university must continue to rely on Open Records Letter No. 2016-01714 as a previous determination and withhold or release the identical information in accordance with that ruling.

The university asserts the University of Texas Electronic Identification Numbers (“UTEIDs”) contained in the remaining information are not subject to the Act. The Act applies only to “public information.” *See* Gov’t Code § 552.021. Section 552.002(a) defines “public information” as

[] information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body;

(2) for a governmental body and the governmental body:

(A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body.

Id. § 552.002(a). In Open Records Decision No. 581 (1990), this office determined certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. We understand an individual’s UTEID

provides employees and students access to the university's computer system, but does not consist of log-on information. We understand the UTEID is part of a two-part log in protocol that could access secure and sensitive employment and student records, as well as the potential to compromise high level functions. Accordingly, we find the UTEIDs contained in the remaining information do not constitute public information under section 552.002 of the Government Code, are not subject to the Act, and the university is not required to release them.

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. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. This office has found personal financial information not relating to the financial transaction between an individual and a governmental body is excepted from required public disclosure under common-law privacy. See Open Records Decision Nos. 600 (1992), 545 (1990). Upon review, we agree the university must withhold the remaining information you have marked under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, the university must (1) withhold the dates of birth in the submitted information in accordance with the previous determination issued in Open Records Letter No. 2016-00361; and (2) continue to rely on Open Records Letter No. 2016-01714 as a previous determination and withhold or release the identical information in accordance with that ruling. The UTEIDs contained in the remaining information do not constitute public information under section 552.002 of the Government Code, are not subject to the Act, and the university is not required to release them. The university withhold the remaining information you have marked under section 552.101 of the Government Code in conjunction with common-law privacy. The university must release the remaining responsive 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/>

[url_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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bhf

Ref: ID# 599742

Enc. Submitted documents

c: Requestor
(w/o enclosures)