July 21, 2014

Ms. Ana Vieira  
Attorney and Public Information Coordinator  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR2014-12582

Dear Ms. Vieira:

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# 529914 (OGC #155936).

The University of Texas at Brownsville (the “university”) received a request for all reports and statements pertaining to attempted theft or theft of bicycles from specified locations during the specified time period. You state the university will release some information to the requestor. You claim some of the submitted information is not public information under the Act. You also claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

Initially, you assert the University of Texas Electronic Identification Number (“UTEID”) contained in the submitted information is not subject to the Act. In Open Records Decision No. 581 (1990), this office determined that 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. You inform our office that an individual’s UTEID “provide[s] employees and students access to the [u]niversity’s computer system, but do[es] not consist of log-on information.” You explain 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. Based on your representations and our review, we find the UTEID contained in the submitted information does not constitute public information under section 552.002 of the Government Code. Therefore, we conclude the UTEID is not subject to the Act and need not be released to the requestor.

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 section 58.007 of the Family Code, which provides, in part:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

(3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapters B, D, and E.

Fam. Code § 58.007(c); see id. § 51.03(a) (defining “delinquent conduct” for purposes of title 3 of Family Code). Section 58.007(c) is applicable to records of juvenile conduct that occurred on or after September 1, 1997. The juvenile must have been at least 10 years old and less than 17 years of age when the conduct occurred. See id. § 51.02(2) (defining “child” for purposes of title 3 of Family Code). We find report number 1311-01223 involves juvenile offenders, so as to fall within the scope of section 58.007(c). It does not appear that any of the exceptions in section 58.007 apply; therefore, the university must withhold report number 1311-01223 under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. As no further exceptions against disclosure have been raised for the remaining information, the university must release the remaining information.

In previous correspondence, you have asked this office to issue a previous determination finding UTEIDs are not subject to the Act without the necessity of requesting a decision from this office. See Gov’t Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001).
After due consideration, we have decided to grant your request. Therefore, this letter ruling shall serve as a previous determination under section 552.301(a) that UTEIDs do not constitute public information under the Act, and need not be released in response to a request for information under the Act. See Gov’t Code § 552.011 (stating “[t]he attorney general shall maintain uniformity in the application, operation, and interpretation” of the Act, and may “prepare, distribute, and publish any materials, including detailed and comprehensive written decisions and opinions, that relate to or are based on” the Act). Therefore, so long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above, the university need not ask for a decision from this office with respect to this type of information. See ORD 673 at 7.

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,

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 529914

Enc. Submitted documents

c: Requestor
(w/o enclosures)