



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 15, 2015

Ms. Ana Vieira Ayala
Ms. Audra Gonzalez Welter
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701

OR2015-19142

Dear Ms. Ayala and Ms. Welter:

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# 579378 (OGC# 162564, 162565, and 162567).

The University of Texas System (the "system") received a request for three specified documents. You state the system released some information. You state the system will redact some information from the requested documents pursuant to the Family Educational Rights and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code.¹ You claim some of the requested information is excepted from disclosure under section 552.101 of the Government Code.² We have considered the exception you claim.

¹The United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office FERPA does not permit state and local educational authorities to disclose to this office, without parental or student consent, unredacted, personally identifiable information contained in education records for the purpose of our review in the open records ruling process under the Act. The DOE has determined FERPA determinations must be made by the educational authority in possession of the education records. A copy of this letter may be found on the Office of the Attorney General's website: <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

²Although you do not explicitly raise section 552.101 of the Government Code, we understand you to raise this exception based on the substance of your argument.

The system informs us the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2015-14088 (2015). In response to Open Records Letter No. 2015-14088, the system has filed a lawsuit against our office. *See The University of Texas System v. Ken Paxton, Attorney Gen. of Tex.*, No. D-1-GN-15-003417 (419th Dist. Ct., Travis County, Tex.). Accordingly, with regard to the information at issue in this lawsuit, we will allow the trial court to resolve the issue of whether the information that is the subject of the pending litigation must be released to the public.³

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 579378

c: Requestor

³As we are able to make this determination, we need not address the submitted arguments against disclosure of this information.