



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 26, 2017

Ms. Katherine Antwi Green
Associate General Counsel
University of North Texas System
1155 Union Circle #310907
Denton, Texas 76203

OR2017-01849

Dear Ms. Green:

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# 642933 (UNT PIR # 004484).

The University of North Texas (the "university") received a request for all documents pertaining to the termination of the requestor. You state you will release some of the requested information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

¹We note the university failed to comply with section 552.301 of the Government Code in requesting a ruling; however, section 552.101 of the Government Code makes information confidential and thus can provide a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.007, .301, .302, .352. Accordingly, we will consider the university's argument under section 552.101.

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.

Gov't Code § 552.101. This section encompasses information protected by other statutes, including section 51.971 of the Education Code. Section 51.971 of the Education Code provides, in relevant part, the following:

(a) In this section:

(1) "Compliance program" means 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:

(A) ethics and standards of conduct;

(B) financial reporting;

(C) internal accounting controls; or

(D) auditing.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

...

(e) Information is excepted from disclosure under [the Act] 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(a), (e)(2). You state the university is an institution of higher education for purposes of section 61.003 of the Education Code and is a component of the University of North Texas System (the "system"). *See id.* § 51.971(a)(2). You state the submitted information was collected or generated by the system's Office of Equal Opportunity regarding suspected compliance violations. You also state this investigation was conducted to ensure university employees' compliance with applicable laws and policies. Therefore, based on your representations and our review, we 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.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,



Sidney M. Pounds
Assistant Attorney General
Open Records Division

SMP/sdk

Ref: ID# 642933

Enc. Submitted documents

c: Requestor
(w/o enclosures)