



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 27, 2017

Ms. Cynthia Tynan
Senior Attorney & Public Information Coordinator
Office of General Counsel
The University of Texas System
201 West 7th Street, Suite 600
Austin, Texas 78701-2901

OR2017-01904

Dear Ms. Tynan:

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# 643478 (OGC# 172504).

The University of Texas of the Permian Basin (the "university") received a request for information related to any self-reported NCAA violations by the university, correspondence among university employees regarding a named individual, and a copy of a criminal trespass warning issued to the named individual. You state the university has released some information to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.102, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, you state the university sought clarification from the requestor with respect to the portion of the request seeking correspondence among university employees pertaining to the named individual. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010). You state the university has not received a response from the requestor for this portion of the request. Thus, for the portion of the

¹Although you also raise section 552.108 of the Government Code, you have not submitted arguments explaining how this exception applies to the submitted information. Therefore, we assume you have withdrawn this claim. *See* Gov't Code §§ 552.301, .302.

request for which you have sought but have not received clarification, we find the university is not required to release information in response to this portion of the request. However, if the requestor clarifies this portion of the request for information, the university must seek a ruling from this office before withholding any responsive information from the requestor. *See* Gov't Code § 552.222; *City of Dallas*, 304 S.W.3d at 387. We note a governmental body has a duty to make a good-faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990).

We note you seek to withhold an individual's date of birth under section 552.101 of the Government Code in conjunction with common-law privacy. In Open Records Letter No. 2016-01245 (2016), this office issued a previous determination to the university authorizing it to withhold public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a decision from this office. *See* Gov't Code § 552.301(a); Open Records Decision No. 673(2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). Thus, the university must withhold the date of birth you have marked in accordance with the previous determination issued in Open Records Letter No. 2016-01245.²

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 personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Accordingly, the university must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code.

In summary, the university must withhold the date of birth you have marked under section 552.101 of the Government Code in conjunction with common-law privacy in accordance with the previous determination issued in Open Records Letter No. 2016-01245. The university must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code. The university must release the remaining information.

Finally, you ask this office to issue a previous determination permitting the university to withhold the dates of birth of former and current university employees found in records held by the university in an employment context under section 552.102(a) of the Government Code, without seeking a ruling from this office. *See* Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time.

²As our ruling is dispositive, we need not address your remaining argument against disclosure of this 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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/sb

Ref: ID# 643478

Enc. Submitted documents

c: Requestor
(w/o enclosures)