



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 17, 2017

Ms. Jennifer Burnett
Attorney and Public Information Coordinator
The Office of General Counsel
The University of Texas System
201 West 7th Street, Suite 600
Austin, Texas 78701-2901

OR2017-05584

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# 649390 (OGC# 173201).

The University of Texas Medical Branch at Galveston (the "university") received a request for information pertaining to a specified investigation involving the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, we note you have marked some information as not responsive. This ruling does not address the public availability of the non-responsive information and the university need not release it 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

¹We assume that 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.

Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 51.971 of the Education Code, which 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.

...

(c) The following are confidential:

(1) information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program[.]

...

(d) Subsection (c) does not apply to information related to an individual who consents to disclosure of the information.

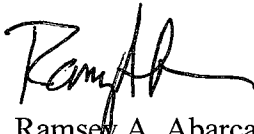
Educ. Code § 51.971(a), (c)(1), (d). You inform us the university is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). You also state the submitted information relates to a closed compliance investigation involving personnel matters that was conducted by the university’s Department of Internal Investigations. You inform us the university conducts an internal review process to assess and ultimately ensure the university complies with all applicable laws, rules, regulations and policies. Thus, we agree the submitted information pertains to the university’s compliance program for the purposes of section 51.971 of the Education Code. *See id.* § 51.971(a).

You seek to withhold the information at issue in its entirety. You state only a small subset of individuals were involved in the investigation. You state the requestor has knowledge of the identities of the involved individuals and the events at issue. You state release of the information at issue would directly or indirectly identify the individuals who sought guidance from or participated in the compliance program investigation. We understand none of the individuals at issue has consented to release of their information. Based on your representations and our review, we agree release of the information at issue would directly or indirectly identify individuals as participants in the compliance program investigation. See Educ. Code § 51.971(c). Accordingly, this information is confidential under section 51.971 of the Education Code. Therefore, the university must withhold the submitted responsive information under section 552.101 of the Government Code in conjunction with section 51.971 of the Education Code.²

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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/bw

Ref: ID# 649390

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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