



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 31, 2017

Ms. Ana Vieira Ayala
Assistant General Counsel and Public Information Coordinator
Office of the General Counsel
The University of Texas System
201 West Seventh Street, Suite 600
Austin, Texas 78701-2901

OR2017-11855

Dear Ms. Ayala:

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# 664349 (U.T. OGC# 175150).

The University of Texas Medical Branch at Galveston (the "university") received a request for a copy of certain notes from a specified meeting. 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 information.

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. This section 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:

...

(2) information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

(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)(2), (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 pertains to an investigation of an allegation of misconduct by university employees conducted by the university's Office of Internal Investigations. You inform us the university conducts an internal process of review to assess complaints in order to ultimately ensure its employees complied with all applicable law, 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).

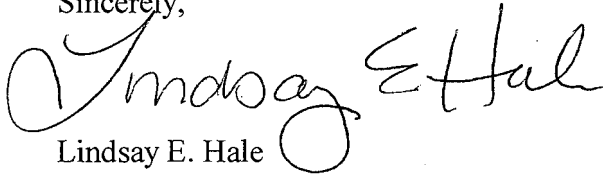
You seek to withhold the submitted information in its entirety and inform us the investigation was completed and the university found the allegation was unsubstantiated. Based on your arguments, we understand the requestor was a party to the incident at issue and has specific knowledge of the incident. Accordingly, you assert release of the submitted information would directly or indirectly reveal the identities of those individuals alleged to have planned,

initiated, or participated in the events at issue because the requestor knows each person's involvement in the events at issue. We understand none of these individuals have consented to release of their information. Upon review, we agree release of the submitted information would directly or indirectly identify individuals as individuals alleged to have planned, initiated, or participated in the activities at issue that are the subject to the unsubstantiated allegation. *See id.* § 51.971(c)(2). Accordingly, the university must withhold the submitted information in its entirety under section 552.101 in conjunction with section 51.971(c)(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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/nmd

Ref: ID# 664349

Enc. Submitted documents

c: Requestor
(w/o enclosures)