



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 6, 2017

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

OR2017-12405

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# 661430 (OGC# 174587).

The University of Texas System (the "system") received a request for a specified investigation. 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.

Initially, we note portions of the submitted information were the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2017-09900 (2017). In that ruling, we determined the system must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) of the Education Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the system must continue to rely on Open Records Letter No. 2017-09900 as a previous determination and withhold the identical information in accordance with that ruling.<sup>1</sup> See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested

---

<sup>1</sup>As our ruling is dispositive, we need not address your argument against disclosure of this information.

information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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. Section 552.101 of the Government Code encompasses 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:

(1) in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation[.]

Educ. Code § 51.971(a), (e)(1). You state the University of Texas at San Antonio (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 state the submitted information pertains to an open, ongoing compliance investigation concerning allegations of misconduct against an official of the university. Based on your representations and our review, we agree the information at issue pertains to the university’s compliance program for purposes of

section 51.971. *See id.* § 51.971(a). You also represent release of the information at this time would interfere with, and potentially compromise, the ongoing investigation. Accordingly, we conclude the system must withhold the remaining information in its entirety under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) of the Education Code.

In summary, the system must continue to rely on Open Records Letter No. 2017-09900 as a previous determination and withhold the identical information in accordance with that ruling. The system must withhold the remaining information in its entirety under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) 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](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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/tdw

Ref: ID# 661430

Enc. Submitted documents

c: Requestor  
(w/o enclosures)