



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 12, 2018

Mr. Jacob A. Becker
Assistant University Counsel
Southern Methodist University
P.O. Box 750132
Dallas, Texas 75275

OR2018-03289

Dear Mr. Becker:

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# 695514.

The Southern Methodist University Police Department (the "department") received a request for three categories of information pertaining to a specified incident and the personnel file of a named officer. You state you have released most of the requested information. You claim the submitted information is not subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under sections 552.101, 552.102, and 552.108 of the Government Code. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

Section 51.212(f) of the Education Code reads as follows:

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.

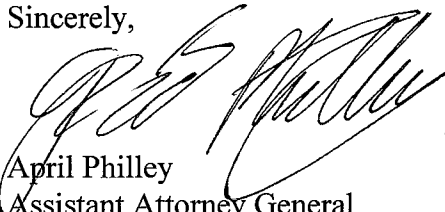
(f) A campus police department of a private institution of higher education is a law enforcement agency and a governmental body for purposes of [the Act], only with respect to information relating solely to law enforcement activities.

Educ. Code § 51.212(f). We understand the department is a campus police department of a private institution of higher education. *See id.* §§ 51.212(e), 61.003. Thus, the department is a governmental body for purposes of the Act, and information maintained by the department is subject to disclosure under the Act, to the extent such information relates solely to law enforcement activities. However, you represent the submitted information does not relate “solely to law enforcement activities.” Rather, you argue the information at issue consists of administrative information. You explain the submitted information pertains to personnel information maintained by the department. Upon review, we agree the submitted information is administrative in nature and does not relate solely to law enforcement activities. *See id.* § 51.212(f). Accordingly, we find the submitted information is not subject to disclosure pursuant to section 51.212(f) of the Education Code, and need not be released to the requestor.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,



April Philley
Assistant Attorney General
Open Records Division

AP/sb

²As our ruling is dispositive, we need not address the department’s remaining arguments against disclosure of the information at issue.

Ref: ID# 695514

Enc. Submitted documents

c: Requestor
(w/o enclosures)