



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

January 15, 2019

Ms. Jennifer Burnett  
Senior Attorney & Public Information Coordinator  
Office of General Counsel  
The University of Texas System  
210 West 7<sup>th</sup> Street  
Austin, Texas 78701

OR2019-01228

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# 746111 (OGC Nos. 185612 and 185811).

The University of Texas Southwestern Medical Center (the "university") received two requests from the same requestor for information pertaining to five named university employees. You state the university does not have information responsive to some categories of the request.<sup>1</sup> You state the university released some information. You claim some of the submitted information is not subject to the Act and some of the information is excepted from disclosure under section 552.101 of the Government Code.<sup>2</sup> We have considered the exception you claim and reviewed the submitted information.

You assert the employee identification number in the submitted information are not subject to the Act. In Open Records Decision No. 581 (1990), this office determined that certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance,

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<sup>1</sup>The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

<sup>2</sup>Although you do not assert portions of the submitted information are not subject to the Act in your brief, we understand you to raise this argument based on your markings.

manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. You have previously informed our office that these computer-generated numbers provide administrative access to the university's computer system, but are not used as computer log-on information. Based on this representation and our review, we agree that the submitted university employee identification number do not constitute public information under section 552.002 of the Government Code. Accordingly, this information is not subject to the Act and need not be released 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 Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as 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.

...

(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 state the university is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* §§ 51.971(a)(2), 61.003. You inform us the submitted information relates to closed compliance investigations conducted by the university. You state the investigation was conducted in order to assess and ensure compliance with all applicable laws, rules, regulations, and policies. Based on your representations, we find the submitted information relates to investigations conducted under the university's compliance program. *See id.* § 51.971(a)(1).

You assert the information you marked directly or indirectly reveals the identities of individuals who participated in the compliance program investigation at issue. You inform us the individuals at issue did not consent to the release of their information. *See id.* § 51.971(d). Based on these representations, we agree the university must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code.

In summary, the submitted university employee identification numbers do not constitute public information under section 552.002 of the Government Code and need not be released to the requestor. The university must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code. The university must release the remaining 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](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,



Matthew Taylor  
Assistant Attorney General  
Open Records Division

MHT/som

Ref: ID# 746111

Enc. Submitted documents

c: Requestor  
(w/o enclosures)