



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 29, 2019

Ms. Cynthia Tynan
Senior Attorney & Public Information Coordinator
University of Texas System
210 West Seventh Street
Austin, Texas 78701-2902

OR2019-02664

Dear Ms. Tynan:

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# 745961 (ORR# 185584).

The University of Texas Medical Branch at Galveston (the "university") received a request for a specified incident report. The university states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under sections 552.108 and 552.152 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the information at issue relates to a criminal investigation that has concluded in a final result other than conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), .301(e)(1)(A). The university states the information it has marked under section 552.108(a)(2) pertains to a case that concluded in a result other than conviction or deferred adjudication. Thus, the university may withhold the information it has marked under section 552.108(a)(2) of the Government Code.¹

¹As our ruling is dispositive, we do not address the other argument of the university to withhold this information.

Section 552.152 of the Government Code provides the following:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.


Gov't Code § 552.152. The university represents release of the remaining information it has marked under section 552.152 would subject a university employee, who is the complainant, to a "substantial threat of physical harm." Upon review, we find the university has demonstrated release of the information at issue would subject the employee to a substantial threat of physical harm. Therefore, we conclude the university must withhold the remaining information it has marked under section 552.152 of the Government Code.

In summary, the university may withhold the information it has marked under section 552.108(a)(2) of the Government Code. The university must withhold the remaining information it has marked under section 552.152 of the Government 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, 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/mo

Ref: ID# 745961

Enc. Submitted documents

c: Requestor
(w/o enclosures)