



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 28, 2019

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

OR2019-05570

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# 753428 (ORR# 186344).

The University of Texas Southwestern Medical Center (the "university") received a request for specified reports.<sup>1</sup> The university states it has released some of the requested information, but claims some of the submitted information is either not subject to the Act or excepted from disclosure under section 552.101 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

The university asserts the submitted employee identification numbers 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, manipulation, or protection of public property is not the kind of information made public

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<sup>1</sup>The university sought and received clarification of the information requested. See Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

under section 552.021 of the Government Code. The university has previously informed our office 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 the submitted university employee identification numbers do not constitute public information under section 552.002 of the Government Code. Accordingly, employee identification numbers are not subject to the Act and the university is not required to release them.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information protected by other statutes, including 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:

(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; and

(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)-(d). We understand the university is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). The university states the submitted information relates to internal compliance investigations conducted by the university relating to ethical questions and standards of conduct of university employees. The university also states the investigations were conducted in response to allegations of misconduct and were initiated in order to assess and ensure compliance with all applicable laws, rules, regulations, and policies. Based on these representations, we find this information relates to investigations conducted under the university's compliance program. *See id.* § 51.971(a)(1).

The university asserts release of the information it has marked under subsection 51.971(c)(1) would directly or indirectly reveal the identities of individuals making reports to or participating in a compliance program investigation. Subsection (c) does not apply to information related to an individual who consents to disclosure of the information. *Id.* § 51.971(d). The university informs us the individuals at issue did not consent to release of their information. Upon review, we agree the university must withhold the information it has marked under section 552.101 of the Government Code in conjunction with subsection 51.971(c)(1) of the Education Code.

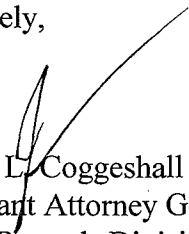
The university asserts release of the information it has marked under subsection 51.971(c)(2) pertains to completed investigations that determined the allegations at issue were unsubstantiated. The university argues release of this information would reveal the identities of individuals who are alleged to have or may have planned, initiated, or participated in activities that are the subject of the unsubstantiated allegations. The university states the individuals at issue did not consent to release of their information. Upon review, we agree the university must withhold the information it has marked under section 552.101 of the Government Code in conjunction with subsection 51.971(c)(2) 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 the university is not required to release them. The university must withhold the information it has marked under section 552.101 of the Government Code in conjunction with subsections 51.971(c)(1) and 51.971(c)(2) 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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/som

Ref: ID# 753428

Enc. Submitted documents

c: Requestor  
(w/o enclosures)