



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 27, 2019

Ms. Morgan Day Vaughan  
Assistant District Attorney  
County of Lubbock  
P.O. Box 10536  
Lubbock, Texas 79408

OR2019-08352

Dear Ms. Vaughan:

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# 756935 (County ORR# 1224; UT OGC# 186766).

The County of Lubbock (the "county") received a request for all information pertaining to a specified investigation, excluding any social security numbers and phone numbers. You state you released some information. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. You also state release of the submitted information may implicate the interests of The University of Texas Medical Branch at Galveston (the "university"). Accordingly, you state you notified the university of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information). We have received comments from the university. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the requestor excludes social security numbers and phone numbers from the scope of the request. Accordingly, these types of information are not responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request and the county is not required to release that information in response to the request.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 51.971 of the Education Code, which provides, in pertinent part:

(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). The university informs us it 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 responsive information pertains to completed investigations undertaken by the university’s Human Resources Department. The university states the investigations were conducted in response to allegations made against a university employee and were initiated in order to assess and ensure compliance with all applicable laws, rules, regulations,

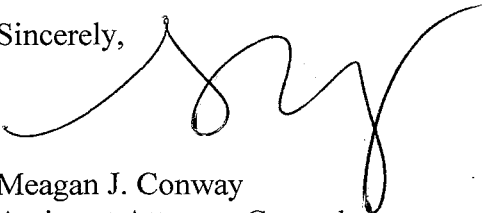
and policies. Based on these representations, we find this information relates to investigations conducted under the university's compliance program. *See id.* § 51.971(a)(1).

The university seeks to withhold the responsive information in its entirety. The university informs us only a small subset of individuals were involved in the investigations at issue, and release of the information would directly or indirectly reveal the identities of those individuals who participated in the investigations. In support of this argument, the university provided a statement from an associate vice president of Human Resources and Employee Relations who supervised the investigations, which explains the investigations involved a small number of individuals who could identify each other if only the names of the individuals are withheld. Accordingly, the university asserts release of the responsive information would directly or indirectly identify the individuals seeking guidance from or participating in the compliance program investigations. The university informs us none of the individuals at issue have consented to release of their information. *See id.* § 51.971(d). Upon review, we agree release of this information would directly or indirectly identify individuals as participants in the compliance program investigations. *See id.* § 51.971(c). Accordingly, the county must withhold the responsive information in its entirety under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code.<sup>1</sup>

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,



Meagan J. Conway  
Assistant Attorney General  
Open Records Division

MC/mo

---

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

Ref: ID# 756935

Enc. Submitted documents

c: Requestor  
(w/o enclosures)