



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 12, 2019

Ms. Vanessa A. Gonzalez
Counsel for Baylor University
Bickerstaff Heath Delgado Acosta, L.L.P.
3711 South MoPac Expressway, Building One Suite 30C
Austin, Texas 78746

OR2019-09948

Dear Ms. Gonzalez:

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# 760622 (ORR# 19-009).

The Baylor University Police Department (the "department"), which you represent, received a request for a specified video recording. You claim the requested information is not subject to the Act. We have considered the submitted arguments and reviewed the submitted information.

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

(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 is not maintained by the department. Additionally, you argue the information at issue does not relate "solely to law enforcement activities." Rather, you argue the submitted information

consists of administrative information. You explain the submitted video was created and maintained by the Baylor University Technical Security Division and not the department. Upon review, we agree the submitted information is not maintained by the department and 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.

Finally, you ask this office to issue a previous determination permitting the department to withhold information pursuant to section 51.212(f) of the Education Code without the necessity of requesting a decision under section 552.301 of the Government Code. *See* Gov't Code § 552.301(a) (allowing a governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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,



Emily Buchanan
Attorney
Open Records Division

EB/gw

Ref: ID# 760622

Enc. Submitted documents

c: Requestor
(w/o enclosures)