



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 18, 2019

Ms. Jennifer Burnett  
Senior Attorney & Public Information Coordinator  
The University of Texas System  
210 West 7th Street  
Austin, Texas 78701-2901

OR2019-10495

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# 760327 (OGC# 188988).

The University of Texas Southwestern Medical Center (the "university") received a request for specified forms, communications between named individuals and a university department during a specified time period, and compensation history, all related to a named individual. You state you have released some information to the requestor. You state the university does not have information responsive to a portion of the request.<sup>1</sup> You state a portion of the submitted information is not subject to the Act. You further claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

---

<sup>1</sup>The Act does not require a governmental body to create or release information that did not exist when a request for information was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

The university asserts the submitted employee identification number is 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 under section 552.021 of the Government Code. You inform our office this computer-generated number provides administrative access to the university's computer system, but is not used as computer log-on information. Based on this representation and our review, we agree the submitted university employee identification number does not constitute public information under section 552.002 of the Government Code. Accordingly, the employee identification number you have marked is not subject to the Act and the university is not required to release it.

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 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). 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). You state the submitted information relates to an internal compliance investigation conducted by the university relating to ethical questions and standards of conduct of a university employee. You also state the investigation was conducted in response to allegations of misconduct and was 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 an investigation conducted under the university's compliance program. *See id.* § 51.971(a)(1).

You assert portions of the information at issue are confidential under section 51.971(c)(1). You state the release of the information you have marked would directly or indirectly reveal the identities of individuals 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). You inform us none of the individuals at issue consented to release of their information. Upon review, we agree release of most of the information you have marked would directly or indirectly identify individuals who made the complaints or participated in the investigation of the complaints. *See id.* § 51.971(c)(1). However, we find the release of the information we have marked for release would not directly or indirectly identify an individual as a complainant or as a participant in the investigation at issue. Thus, the university may not withhold this information, which we have marked for release, under section 552.101 in conjunction with section 51.971(c). Accordingly, with the exception of the information we have marked for release, the university must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code.

In summary, the university employee identification number you have marked does not constitute public information under section 552.002 of the Government Code and the university is not required to release it. With the exception of the information we have marked for release, the university must withhold the information you have 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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/gw

Ref: ID# 760327

Enc. Submitted documents

c: Requestor  
(w/o enclosures)