



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 3, 2019

Ms. Ana Vieira Ayala
Assistant General Counsel & Public Information Coordinator
The University of Texas at Dallas
210 West 7th Street
Austin, Texas 78701-2901

OR2019-11859

Dear Ms. Ayala:

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# 763397 (OGC# 189130).

The University of Texas at Dallas (the "university") received a request for all documents related to a specified complaint. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 of the Government Code encompasses 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[.]

...

(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 submitted information consists of a closed compliance investigation involving personnel matters at the university. 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 explains the investigation was conducted in response to a complaint of alleged misconduct and was initiated in order to assess and ensure compliance with all applicable laws, rules, regulations, and policies. Upon review, we find this information relates to an investigation conducted under the university's compliance program. *See id.* § 51.971(a)(1).

You seek to withhold the submitted information in its entirety pursuant to section 51.971(c) of the Education Code. You state the information at issue pertains to a completed investigation in which the university found the allegations to be unsubstantiated. You state release of the submitted information would directly or indirectly reveal the identities of individuals seeking guidance from or participating in the investigation because the "request is targeted and the [r]equestor knows the identity of the individuals involved[.]" Accordingly, you argue "merely withholding the names of the individuals involved is not sufficient to ensure" the confidentiality provided by section 51.971(c)(2) of the Education Code. Based on these representations and our review, we agree release of the submitted

information would directly or indirectly reveal the identities of the individuals who participated in the investigation and the individual alleged to have planned, initiated, or participated in the activities at issue that are the subject of the unsubstantiated allegation. *See id.* § 51.971(c). Accordingly, the university must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 51.971(c) of the Education Code.

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/mo

Ref: ID# 763397

Enc. Submitted documents

c: Requestor
(w/o enclosures)