



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 15, 2019

Ms. Jennifer Burnett
Office of the General Counsel
University of Texas System
210 West Seventh Street
Austin, Texas 78701-2902

OR2019-13005

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# 765627 (ORR#).

The University of Texas System (the "system") received a request for information pertaining to a specified grievance. The system claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

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. Section 552.101 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.

...

(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.

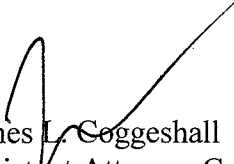
Educ. Code § 51.971(a), (c)-(d). The system informs us it is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971. (a)(2). The system states the submitted information relates to a closed compliance investigation conducted by its Office of the Director of Police. The system further states the investigation was in response to allegations against a system employee and was initiated in order to assess and ensure compliance with all applicable laws, rules, regulations, and policies. Upon review, we agree the information at issue relates to an investigation conducted under the system's compliance program. *See id.* § 51.971(a).

The system states the compliance investigation at issue concluded with a determination that the allegations were unsubstantiated. The system asserts the information at issue is confidential in its entirety due to the requestor's knowledge of the identity of the accused and the targeted nature of the request. The system also informs us the relevant individuals at issue did not consent to release of their information. *See id.* § 51.971(d). Based on these representations, we agree the system must withhold the submitted information under section 552.101 of the Government Code in conjunction with subsections 51.971(c)(1) and (2) 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/jxd

Ref: ID# 765627

Enc. Submitted documents

c: Requestor
(w/o enclosures)