



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 22, 2019

Ms. Rachel E. Rolf  
General Counsel  
Trinity University  
One Trinity Place  
San Antonio, Texas 78212-7200

OR2019-13597

Dear Ms. Rolf:

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# 765160.

The Trinity University Police Department (the "department") received a request for information pertaining to specified types of incidents on campus since August 1, 2014. The department claims the requested information is either not subject to the Act or excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the claimed exceptions 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. The department explains Exhibits B and C consist of

reports where the department undertook administrative actions on behalf of Trinity University for violations of university policy, and it was not acting in a law-enforcement capacity. Based on these representations and our review, we agree the information at issue is administrative in nature and does not relate solely to law enforcement activities. *See id.* § 51.212(f). Accordingly, Exhibits B and C are not subject to disclosure pursuant to section 51.212(f) of the Education Code. Thus, the department is not required to release this information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the information at issue relates to a criminal investigation that has concluded in a final result other than conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), .301(e)(1)(A). The department states the remaining information pertains to cases that concluded in results other than conviction or deferred adjudication. Therefore, we agree section 552.108(a)(2) is applicable to this information.

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Open Records Decision No. 127 (1976) (summarizing the types of information considered to be basic information). The department asserts it need not release basic information from the remaining information on the basis of the decision in *City of Carrollton v. Paxton*, 490 S.W.3d 187 (Tex. App.—Austin 2016, pet. denied). However, the court in the *Carrollton* case stated “there can be no ‘basic information’ subject to disclosure under [section 552.108(c)] unless there has been ‘an arrest’ or ‘a crime[,]’ [which] would require, in the very least, some sort of determination by law enforcement that a crime has actually occurred, if not also an arrest made, similar to the circumstances addressed in *Houston Chronicle*.” *Id.* at 200. Pursuant to the court’s decision in *Carrollton* and the submitted briefing, section 552.108(c) of the Government Code is not applicable to Exhibit D. Therefore, the department may withhold Exhibit D in its entirety under section 552.108(a)(2). Nevertheless, we conclude the department has failed to demonstrate the court’s decision in *Carrollton* is applicable to Exhibit E. Accordingly, the department must release basic information from Exhibit E, but may withhold the remaining information in this exhibit under section 552.108(a)(2) of the Government Code.

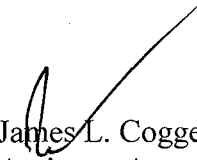
In summary, the department is not required to release Exhibits B and C to the requestor. With the exception of basic information in Exhibit E, which the department must release, the

department may withhold the remaining information under section 552.108(a)(2) of the Government 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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/mo

Ref: ID# 765160

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we do not address the other arguments of the department to withhold this information.