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ATTORNEY GENERAL OF TEXAS

June 4, 2019

Ms. Vanessa Gonzalez
Counsel for Baylor University
Bickerstaff Heath Delgado Acosta, LLP
3711 South MoPac Expressway, Building One, Suite 300
Austin, Texas 78746

OR2019-14733

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# 766995 (ORR# 19-024).

The Baylor University Police Department (the "department"), which you represent, received a request for certain information regarding the requestor.¹ You claim the submitted information is not subject to the Act. In the alternative, you claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code.² We have considered your 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.

¹You state, and provide documentation demonstrating, the department sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²We note the department did not comply with the requirements of section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, because section 552.101 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the information at issue. *See id.* §§ 552.007, .302, .352.

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. You indicate the submitted information is maintained by the department. However, 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 information at issue was created for the purpose of responding to open records requests as required by the Act. Upon review, we agree the submitted information 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.³

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 M. Graham
Assistant Attorney General
Open Records Division

JMG/gw

Ref: ID# 766995

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³As we are able to make this determination, we need not address your remaining argument against disclosure of this information.