



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 13, 2019

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

OR2019-25764

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# 785813 (OGC# 191246).

The University of Texas System (the "system") received a request for anonymous letters directed to specified individuals pertaining to certain topics during a specified time period. 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. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section 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:

...

(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)(2), (d). We understand the system is an institution of higher education and the system informs us The University of Texas at Austin ("university") 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 closed compliance investigations conducted by the system's Office of General Counsel and the university's Office of the President regarding allegations of misconduct by system and university employees or officials. The system states the investigations pertain to ethical questions and standards of conduct and were initiated in order to assess and ensure compliance with all applicable laws, rules, regulations, and policies. Based on these representations, we find the submitted information relates to investigations that were conducted under the system's and university's compliance program. *See id.* § 51.971(a)(1).

The system states the allegations at issue were determined to be unsubstantiated. Additionally, the system seeks to withhold the submitted information in its entirety. The system explains, and provides supporting documentation demonstrating the complaint involves well-publicized issues. Accordingly, the system asserts the submitted information directly or indirectly reveals the identities of individuals who were alleged to have or may

have planned, initiated, or participated in activities that are the subject of unsubstantiated allegations. The system also informs us the 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 in its entirety under section 552.101 of the Government Code in conjunction with subsection 51.971(c)(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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Pearlie Gault  
Attorney  
Open Records Division

PG/eb

Ref: ID# 785813

Enc. Submitted documents

c: Requestor  
(w/o enclosures)