



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 17, 2019

Mr. José R. Guerrero
Counsel for South Texas College
Guerrero Law Firm
P.O. Box 4602
McAllen, Texas 78502

OR2019-29242

Dear Mr. Guerrero:

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# 791845 (File No. 19-002G).

The South Texas College (the "college"), which you represent, received a request for information pertaining to the retirement of a named former employee.¹ You state you will release some information. 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 "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 825.507 of the Government Code, which provides in relevant part:

- (a) Records of a participant and information about the records of a participant that are in the custody of [the Teacher's Retirement System of Texas ("TRS")] or of an administrator, carrier, attorney, consultant, or governmental agency, including the comptroller, acting in cooperation with

¹We note the college 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 when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

or on behalf of [TRS] are confidential and not subject to public disclosure. Because the records and information described by this section are exempt from the public access provisions of Chapter 552 [of the Government Code], [TRS] or an administering firm, carrier, attorney, consultant, or governmental agency, including the comptroller, acting in cooperation with or on behalf of [TRS], is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general, except as otherwise provided by this section.

...

(g) In this section, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of [TRS.]

Id. § 825.507(a), (g). You assert the submitted information consists of records of a participant or information about the records of a participant in TRS. You state the information at issue is in the custody of the college on behalf of and in cooperation with TRS. We note the requestor has not asserted any of the provisions of section 825.507(b) are applicable in this instance, nor has he provided any information that would allow the university to determine that any of these provisions apply. *See id.* § 825.507(b). Accordingly, we conclude the submitted information is confidential under section 825.507 of the Government Code, and the university must withhold the submitted information under section 552.101 of the Government Code on this basis.

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,



D. Michelle Case
Assistant Attorney General
Open Records Division

DMC/rm

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Enc. Submitted documents

c: Requestor
(w/o enclosures)