



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 17, 2019

Ms. Lindsey K. Rattikin
Assistant University Counsel
Southern Methodist University
P.O. Box 750132
Dallas, Texas 75275-0132

OR2019-29281

Dear Ms. Rattikin:

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# 791965.

The Southern Methodist University Police Department (the "department") received a request for 1) information pertaining to a specified incident, 2) five specified categories of statistics and training information, 3) a specified policy, 4) use of force reports during a specified time period, and 5) settlement information pertaining to specified types of cases. We understand you have released some information. 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. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

Section 51.212(f) of the Education Code reads as follows:

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

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

department is subject to disclosure under the Act, to the extent such information relates solely to law enforcement activities. 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 includes policies and administrative information maintained by the department and administrative information not maintained by the department. Upon review, we agree most of the submitted information is administrative in nature and does not relate solely to law enforcement activities. *See id* § 51.212(f). Accordingly, with the exception of the information we have marked, 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.² However, we note the remaining information consists of the department’s patrol policy and we find this relates solely to law enforcement activities for purposes of section 51.212(f) of the Education Code and is subject to the Act. Accordingly, the department must release this information.

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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/gw

Ref: ID# 791965

Enc. Submitted documents

c: Requestor
(w/o enclosures)

² As we are able to make this determination, we need not address your argument against disclosure of this information.