



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

December 6, 2019

Ms. Cynthia Tynan  
University of Texas System  
Office of General Counsel  
210 West Seventh Street  
Austin, Texas 78701

OR2019-34468

Dear Ms. Tynan:

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# 801660 (ORR# 193046).

The University of Texas at Austin (the "university") received a request for investigations or complaints involving two named individuals that were filed in the university's Office of Inclusion and Equity. The university claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the university claims and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 51.971 of the Education Code, which provides, in pertinent 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.

...

(e) Information is excepted from disclosure under [the Act] if it is collected or produced:

(1) in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation[.]

*Id.* § 51.971(a), (e)(1). The university is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). The university states the submitted information pertains to an ongoing investigation by the university's Office of Inclusion and Equity concerning allegations of misconduct involving university employees. Further, the university states the matters under investigation pertain to ethical questions, standards of conduct, financial reporting, and the internal accounting practices of university employees. Based on these representations, we find the submitted information relates to an investigation conducted under the university's compliance program for purposes of section 51.971. *See id.* § 51.971(a)(1). The university also represents the submitted information was collected or produced in the ongoing compliance investigation, and release of the information at this time would interfere with, and potentially compromise, the ongoing investigation. Accordingly, we conclude the university must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) of the Education Code.

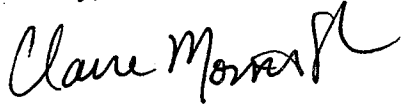
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

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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,

A handwritten signature in black ink, appearing to read "Claire Morris Sloan". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/gw

Ref: ID# 801660

Enc. Submitted documents

c: Requestor  
(w/o enclosures)