



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 30, 2019

Ms. Claudene Marshall
Assistant General Counsel
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2019-36490

Dear Ms. Marshall:

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# 800542 (C001955-091819).

Tarleton State University (the "university") received a request for information related to a complaint filed against a specified employee. 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.

Initially, we note some of the submitted information is not responsive to the present request because it does not pertain to the specified employee. This ruling does not address the public availability of the non-responsive information, and the university need not release it in response to this request.¹

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 information protected by other statutes, such as section 51.971 of the Education Code, which provides, in relevant part:

(a) In this section:


¹ As we are able to make this determination, we need not address your argument against disclosure of this information.

to disclosure of the information. *Id.* § 51.971(d). You assert release of the information in Exhibit B would directly or indirectly identify individuals making a report to or participating in the compliance program investigation at issue. You state none of the individuals at issue in the investigation has consented to the disclosure of their identifying information. *See id.* Upon review, we agree release of some of the information in Exhibit B would directly or indirectly identify individuals as having made a report to the compliance program or as participants in a compliance program investigation. *See id.* § 51.971(c). Accordingly, the university must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 51.971(c) of the Education Code. However, the university has failed to demonstrate how the remaining information identifies an individual who made a complaint, sought guidance from the compliance program office, or participated in the investigation for purposes of section 51.971(c)(1). Accordingly, no portion of the remaining information may be withheld under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code. As you raise no further exceptions to disclosure, the university must release the remaining 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,



Sean McCormick
Attorney
Open Records Division

SMC/mo

Ref: ID# 800542

Enc. Submitted documents

c: Requestor
(w/o enclosures)