



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 15, 2020

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

OR2020-10942

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# 822569.

The Southern Methodist University Police Department (the "department") received a request for a specified incident report. The department claims the submitted information is not subject to the Act. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the department only submitted a "CSA" report. We assume, to the extent any additional responsive information existed when the department received the request for information, the department has released it. If not, then the department must do so immediately. *See* Gov't Code §§ 552.006, .301, .302; Open Records Decision No. 664 (2000).

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

department is subject to disclosure under the Act, to the extent such information relates solely to law enforcement activities. Although the department states it maintains the submitted report, it represents the report was not created for a law enforcement purpose. Rather, the department informs us the report consists of administrative information that is handled through the Office of Institutional Access and Equity of Southern Methodist University. The department asserts the report at issue is administrative and not related to any law enforcement activity by the department. Based on these representations, we find the submitted information is administrative in nature and does not relate solely to law enforcement activities. *See id* § 51.212(f). Accordingly, we conclude the submitted information is not subject to disclosure pursuant to section 51.212(f) of the Education Code and the department is not required to release it under the Act.

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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/be

Ref: ID# 822569

Enc. Submitted documents

c: Requestor
(w/o enclosures)