



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 11, 2022

Ms. Maya Godbold
Lone Star College
Office of Public Records
5000 Research Forest Drive
The Woodlands, Texas 77381-4399

OR2022-19806

Dear Ms. Godbold:

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# 957921 (LSC File No. LMC0012193).

The Lone Star College (the "college") received a request for certain complaints and grievances filed against the requestor. 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 representative sample of information.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." *See* Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 51.971 of the Education Code provides in relevant 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:

¹ We assume 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 those records contain substantially different types of information than that submitted to this office.

- (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.

...

(c) The following are confidential:

(1) information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program; and

(2) information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

(d) Subsection (c) does not apply to information related to an individual who consents to disclosure of the information.

Educ. Code § 51.971(a), (c)-(d). You state the college is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971 (a)(2). You inform us the submitted information pertains to complaints made to the college’s Office of Governance, Accountability, and Compliance, which is part of the college’s compliance program. Based on this representation, we find this information relates to an investigation conducted under the college’s compliance program for purposes of section 51.971. *See id.* § 51.971(a)(1).

You assert releasing the submitted information would directly or indirectly reveal the identity of individuals who participated in the compliance program investigation. You state the individuals at issue have not consented to release of their information. Upon review, we agree release of the information we have marked would directly or indirectly identify individuals as participants in the compliance program investigation. *See id.* § 51.971(c)(1). Thus, the college must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 51.971(c)(1) of the Education Code. However, none of the remaining information identifies an individual making a report to, seeking guidance from, or participating in a compliance program investigation for purposes

of section 51.971 of the Education Code. Consequently, we find you have failed to show how any of the remaining information is confidential under section 51.971 of the Education Code, and it may not be withheld under section 552.101 of the Government Code on that basis. The college 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,

Nick Ybarra
Assistant Attorney General
Open Records Division

NY/be

Ref: ID# 957921

Enc. Submitted documents

c: Requestor
(w/o enclosures)