



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 18, 2022

Ms. Nelly Herrera
Vice Chancellor and General Counsel
Texas State University System
601 Colorado Street
Austin, Texas 78701-2904

OR2022-24769

Dear Ms. Herrera:

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# 964555 (File Nos. 22042.29 and 22042.30).

Texas State University (the "university") received two requests from different requestors for emergency operations plans and information collected during safety and security audits for a specified school district. You state the university will release some information pursuant to section 37.108(c-2) of the Education Code. *See* Educ. Code § 37.108(c-2). You claim some of 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.

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. Section 552.101 encompasses information protected by other statutes, such as section 37.108 of the Education Code, which provides, in part:

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

...

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under [the Act].

Educ. Code § 37.108(b), (c-1). You inform us the information at issue was developed, collected, or produced during a safety and security audit conducted under section 37.108(b). *See id.* § 37.108(b). You further explain the information at issue is not described by section 37.108(c-2). Upon review, we find the university must withhold the information it marked under section 552.101 of the Government Code in conjunction with section 37.108(c-1) of the Education Code.¹ 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,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/jm

Ref: ID# 964555

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

¹ As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.