



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 15, 2022

Ms. Cynthia Tynan  
Assistant General Counsel & Public Information Coordinator  
University of Texas System  
210 West 7th Street  
Austin, Texas 78701-2903

OR2022-35629

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# 985241 (OGC# 207044).

The University of Texas Southwestern Medical Center (the "university") received a request for thirty-one categories of information pertaining to timesheets, performance appraisals, compensation information, and other personnel file records pertaining to named employees.<sup>1</sup> You state the university has made some information available to the requestor. You claim some of the submitted information is not subject to the Act. You also claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

The university asserts the submitted employee identification number is not subject to the Act. In Open Records Decision No. 581 (1990), this office determined that certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information

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<sup>1</sup> You state the university sent the requestor estimates of charges pursuant to section 552.2615 of the Government Code. *See* Gov't Code § 552.2615. You inform us the requestor modified his request in response to the cost estimates. *See id.* § 552.222(b) (governmental body may communicate with requestor for purposes of clarifying or narrowing request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when governmental entity, acting in good faith, requests clarification or narrowing of unclear or overbroad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed).

made public under section 552.021 of the Government Code. The university has previously informed our office these computer-generated numbers provide administrative access to the university's computer system, but are not used as computer log-on information. Based on this representation and our review, we agree the submitted university employee identification number does not constitute public information under section 552.002 of the Government Code. Accordingly, the employee identification number is not subject to the Act, and the university is not required to release it.

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, including section 51.971 of the Education Code. 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:

(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

...

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

(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[.]

Educ. Code § 51.971(a), (c)(1), (d)-(e)(1). You inform us the university is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). You also state some of the remaining information relates to completed compliance investigations of allegations of misconduct involving employees of the university. You further state the investigations at issue pertain to matters involving ethical questions and standards of conduct of department employees. You inform us the university initiated an internal affairs investigation for each complaint at issue to assess and ultimately ensure the university complies with all applicable laws, rules, regulations and policies. Thus, we agree the information at issue pertains to the university's compliance program for the purposes of section 51.971 of the Education Code. *See id.* § 51.971(a).

You claim a portion of the information at issue is subject to section 51.971(c). Section 51.971(c)(1) makes confidential information that identifies individuals as complainants, as having sought guidance from a compliance program, or as participants in an investigation conducted under a compliance program. *Id.* § 51.971(c)(1). However, subsection (c) does not apply to information related to an individual who consents to disclosure of the information. *Id.* § 51.971(d). You state the investigation at issue concluded in a determination that the allegations at issue were substantiated. Upon review, we find the information you marked identifies an individual seeking guidance from or participating in a compliance program investigation. You state this individual has not consented to release of their information. Accordingly, we find the university must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.971(c) of the Education Code.

You state the remaining information pertains to an open, ongoing internal affairs investigation conducted by the university that concern allegations of misconduct against university employees. You explain the information at issue was collected or produced during the course of the investigations, and disclosure of this information would interfere with the investigations. Upon review, we find release of the information at issue would interfere with the ongoing compliance investigation. Accordingly, we conclude the university must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) of the Education Code.

In summary, the employee identification number is not subject to the Act and the university is not required to release it. The university must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.971(c) of the Education Code. The university must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.971(e)(1) of the Education Code. 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,

Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/pt

Ref: ID# 985241

Enc. Submitted documents

c: Requestor  
(w/o enclosures)