



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 21, 2022

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

OR2022-39898

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# 987237 (Ref. No. 22076.40).

Texas State University (the "university") received a request for a list of school districts audited by the Texas School Safety Center (the "center") and certain flagged security issues during a specified period of time. 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 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. This section encompasses information made confidential by other statutes, such as section 37.2071 of the Education Code, which provides, in relevant part:

(a) The center shall establish a random or need-based cycle for the center's review and verification of school district and public junior college district multihazard emergency operations plans adopted under Section 37.108. The cycle must provide for each district's plan to be reviewed at regular intervals as determined by the center.

...

(i) Any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans under this section is not subject to disclosure under [the Act].

Educ. Code § 37.2071(a), (i). You assert the submitted information is confidential pursuant to section 37.2071(i) of the Education Code. You explain the center is a part of the university. You state the information at issue was developed during specified audits as part of the center's review and verification of the school districts' multihazard emergency operations plans. Based upon your representations and our review, we conclude the submitted information is made confidential by section 37.2071(i) of the Education Code, and the university must withhold it under section 552.101 of the Government Code on that basis.¹

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,

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/jxd

Ref: ID# 987237

c: Requestor

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