



Office of General Counsel

THE TEXAS A&M UNIVERSITY SYSTEM

February 14, 2024

Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

via OAG E-Filing

Re: Request for a Decision regarding a Public Information Request from Robert Montoya to Texas A&M University (J000174-011624)

Dear Open Records Division:

On February 7, 2024, we requested a decision on an open records request Robert Montoya submitted to Texas A&M University (the “university”) on January 16, 2024.¹ The request, enclosed as Exhibit A, seeks “All Texas A&M University System Reviews” for a specified date range.

We believe that a portion of the information² responsive to the request is excepted from disclosure under the Texas Public Information Act, Government Code, Chapter 552 (“Act”), as explained below. Therefore, we are requesting a decision regarding this information.

Tex. Gov’t Code § 552.101 in Conjunction with Tex. Educ. Code § 51.971(e)(2)

Section 552.101 of the Act excepts from disclosure information that is considered confidential under other law, whether constitutional, judicial or statutory. Here, we believe that that the representative samples of responsive information enclosed as Exhibits B-1 and B-2 are made confidential under section 552.101 of the Act, in conjunction with Tex. Educ. Code sec. 51.971. Section 51.971 of the Education Code concerns compliance programs that assess and ensure compliance by the officers, employees, agents, contractors, subcontractors, or other persons acting on behalf of an institution of higher education with applicable laws, rules, regulations, and policies, including matters of ethics and standards of conduct, financial reporting, internal accounting and auditing. *See* Tex. Educ. Code Ann. § 51.971(a) (West Supp. 2023).

¹ The request was originally received on January 16, 2024. See Exhibit A. The university requested clarification/narrowing of the request on January 23, 2024, and the requestor provided clarification/narrowing on January 23, 2024, after business hours, making the date of receipt January 24, 2024. Thus, the 10th business day after receipt of this request was February 7, 2024, and the 15th day after receipt is today, February 14, 2024.

² The university is requesting a decision on all System reviews other than System reviews that are not compliance reviews and as such are publicly available on the university or System’s website (such as public internal audit reports).

Section 51.971(e) provides:

(e) Information is excepted from disclosure under Chapter 552, Government Code, if it is collected or produced:

(1) in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation; or

(2) by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system.

Tex. Educ. Code § 51.971 (e).

The information in Exhibits B-1 and B-2 was produced by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system. In the information at issue, the component institution of higher education of the Texas A&M System is Texas A&M University. *See* Exhibits A, B-1, B-2. The systemwide compliance offices in the representative samples are at the System Offices of The Texas A&M University System: the System Research Security Office (Exhibit B-1); and the System Internal Audit Department (Exhibit B-2). The Texas A&M University compliance processes at issue in each compliance review are clearly stated in the representative samples. *See* Exhibits B-1, B-2. Therefore, our position is that the representative samples enclosed as Exhibits B-1 and B-2 are confidential in accordance with section 552.101 of the Act in conjunction with Tex. Educ. Code sec. 51.971(e)(2) and should be withheld in their entirety.

Thank you for your consideration of this matter. If you have any questions, please feel free to contact me.

Sincerely,



R. Brooks Moore
Deputy General Counsel

Enclosures: Exhibits A, B-1, B-2

cc: Requestor (*via email*) (*no attachments*)