



The Attorney General of Texas

December 1, 1980

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Honorable Clyde A. Wilson, Jr.
City Attorney
P. O. Box 1751
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Open Records Decision No. 262

Re: Whether ambulance activity reports maintained by a municipally-operated ambulance are available to public inspection under the Open Records Act

Dear Mr. Wilson:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether certain information contained in reports filed by a municipally-operated emergency medical service (EMS) are available to the public. The San Angelo Fire Department, which operates the city's EMS, reports the information collected on a standard form furnished by the Texas Department of Health. The request seeks disclosure of data in four categories: incident information, such as date, pick up location, type of run, person requesting ambulance, number of miles traveled, and location where patient delivered; patient information, including name, address, gender and age; the names of the driver and attendant and their respective levels of training; and finally, a brief description of the injury or illness, with a checklist indicating the probable cause and type of injury and/or the suspected illness and the part of the body affected.

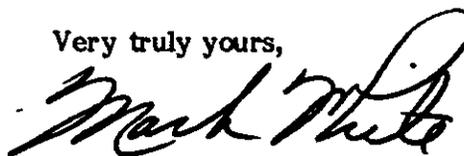
In Open Records Decision No. 237 (1980), we said that detailed EMS reports relating to persons who had given birth under the care of lay midwives were excepted from disclosure by either a common law or constitutional right of privacy under section 3(a)(1) of the Open Records Act. By contrast, we held in Open Records Decision No. 258 (1980) that EMS incident reports which provide relatively little detail will not ordinarily be protected by either constitutional or common law privacy. Likewise, we do not believe that disclosure of the information requested in the first three categories here will, absent exceptional circumstances, raise a cognizable claim of privacy.

A constitutional right of privacy will ordinarily exist if the information relates to marriage, procreation, contraception, family relationships, and child rearing and education. Paul v. Davis, 424 U.S. 693 (1976). The common

law privacy right protects highly intimate or embarrassing facts about a person such that its disclosure would be "highly objectionable to a person of ordinary sensibilities." Industrial Foundation of the South v. Texas Industrial Accident Board, 540 S.W. 2d 668, 683 (Tex. 1976). Information about a patient's injury or illness might raise such a claim if it relates, for example, to a "drug overdose," "acute alcohol intoxication," "obstetrical/gynecological" illness, "convulsions/seizures," or "emotional/mental distress." When the injury or illness falls within a protected category, we do not believe such information should be released.

We conclude that, except for the specific illness and injury information excepted by a common law or constitutional right of privacy under section 3(a)(1), all the information requested here should be disclosed.

Very truly yours,



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