



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

March 27, 1990

Robert Bernstein, M.D., F.A.C.P.
Commissioner of Health
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR90-124

Dear Dr. Bernstein:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8630.

The Texas Department of Health received an open records request for copies of the "Peer Review Evaluation" of a scientific study proposed by Dr. William Au. We have considered the exception you claimed, specifically section 3(a)(11), and have reviewed the documents at issue. Any factual information contained in the evaluations is inextricably intertwined with the reviewers' opinions of the study. Therefore, you may withhold the evaluations in their entirety. See generally Open Records Decision No. 335 (1982).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-124.

Yours very truly,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/RWP/le

Ref.: ID# 8630

Enclosure: Open Records Decision No. 335

cc: Mr. Robert C. Wilson
McGinnis, Lochridge & Kilgore
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919 Congress Avenue
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