



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

May 11, 1990

Ms. Roberta Donsbach
Director
SPAN
1800 Malone
Denton, Texas 76201

OR90-180

Dear Ms. Donsbach:

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# 6306.

You state that according to the Older Americans Act you are expected to protect the confidentiality of information about older persons collected in the conduct of your responsibilities. A rule adopted under Title III of the Older Americans Act, 42 U.S.C. §§ 3001 et seq. provides in part:

A State agency shall have procedures to protect the confidentiality of information about older persons collected in the conduct of its responsibilities. The procedures shall ensure that no information . . . obtained from an older person by a service provider or the State or area agencies, is disclosed by the provider or agency in a form that identifies the person without the informed consent of the person

45 C.F.R. § 1321.51(a) (1989). Thus, you may not make the information available to the requestor. A copy of the quoted regulation is enclosed.

Because federal law resolves 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 OR90-180.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID#s 6306, 7311, 6961, 6703, 6333, 6961

Enclosure: 45 C.F.R. § 1321.51(a) (1989)

cc: Ovid Neal
P.O. Box 460
Sanger, Texas 76266