



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM NATTOX
ATTORNEY GENERAL**

June 15, 1990

Ms. Mary Ann Courter
Assistant General Counsel
Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR90-239

Dear Ms. Courter:

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# 9336.

The Department of Public Safety received a request for information about the number of prescriptions for Ritalin prescribed in Texas for the years 1985-1989. You indicate that the department does have such information. You ask whether this statistical information is excepted from required public disclosure under section 3(a)(1) of the Open Records Act, in conjunction with section 481.076 of the Health and Safety Code, and under section 3(a)(18) of the Open Records Act.

Statistical information about the number of prescriptions of a particular drug is information derived from the triplicate prescription forms submitted to the department. As such, it is clearly excepted from disclosure by section 3(a)(18) of the Open Records Act, which excepts information "derived from triplicate prescription forms." For this reason, you may withhold the requested information.

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 OR90-239.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

DAN/le

Ref.: ID# 9336

cc: Mr. Martin R. Sabel
333 North Belt #140
Houston, Texas 77060