



THE ATTORNEY GENERAL
OF TEXAS

JIM SLATTON
ATTORNEY GENERAL

July 5, 1990

Dr. Robert Bernstein
Commissioner
Texas Department of Health
1100 West 49th St.
Austin, Texas 78756-3199

OR90-276

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# 9793.

The Department of Health received a request from an individual who is certified by the Department as a specially skilled emergency medical technician for copies of any letters of complaint regarding his professional performance that were received by the department. The Department seeks to withhold the complaint letters it has received from disclosure under section 3(a)(1) of the Open Records Act, as information deemed confidential by article 44470, §3.20, V.T.C.S., [now chapter 773, Health and Safety Code, as amended by Acts 1989, 71st Leg., ch. 372, ch.11.] or by the informer's privilege incorporated into section 3(a)(1).

We have considered the exception you claimed and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 549 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information. As we conclude that the information is protected from disclosure by the informers privilege aspect of section 3(a)(1), we do not address the applicability of the statute you cite.

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 OR90-276.

Yours very truly,

David Newton

David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 9793

Enclosure: Open Records Decision No. 549

cc: Mr. Kerry Craig
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