



THE ATTORNEY GENERAL
OF TEXAS

JIM NEATTON,
ATTORNEY GENERAL

July 9, 1990

Mr. Fred Toler
Executive Director
Texas Commission on Law Enforcement
Standards and Education
1606 Headway Circle, Suite 100
Austin, Texas 78754

OR90-287

Dear Mr. Toler:

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# 9232.

The Texas Commission on Law Enforcement Officer Standards and Education (the commission) received a request from a police officer for "my L-3 Psychological Report," which was filed with the commission as part of the officer's application. Because information of this nature is deemed confidential by law, see V.T.C.S. art. 5561h; Gov't Code § 415.057(b), you inquire whether you are required to release this information to the officer/requestor.

Section 2(b) of article 5561h provides for for the confidentiality of "[r]ecords of the identity, diagnosis, evaluation, or treatment of a patient/client which are created or maintained by a professional." Section 3(a) of article 5561h provides that the privilege may be claimed by the patient/client or by certain others acting on the patient/client's behalf, while section 3(b) provides that the professional may claim the privilege only on behalf of the patient/client. The privilege created by article 5561h is for the benefit of the patient/client, Ex parte Abell, 613 S.W.2d 255, 262 (Tex. 1981), apparently to protect the patient/client against an invasion of privacy. Ginsberg v. Fifth Court of Appeals, 686 S.W.2d 105, 107 (Tex. 1985); Ex parte Abell, supra, at 263.

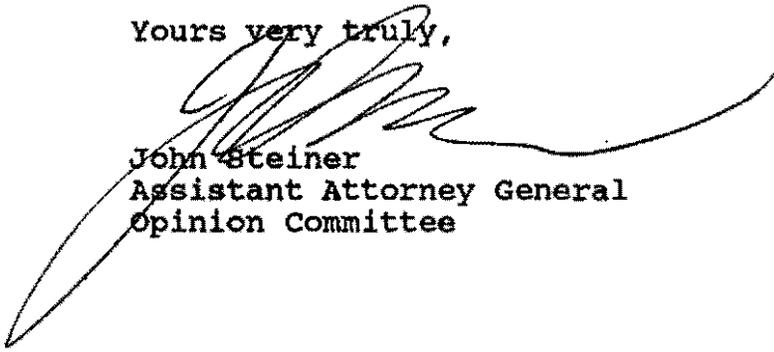
Section 3B(a) of the Open Records Act provides that governmental bodies may not withhold from a requestor information deemed confidential by laws designed to protect

the requestor's privacy interests unless the information is otherwise protected under the Open Records Act.

For this reason, you must release the requested information to the requestor. For purposes of section 4(b)(4) of article 5561h, V.T.C.S., and section 3B(b) of article 6252-17a, V.T.C.S., the officer's signed request for this information may be considered as his consent to the release of these records.

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 OR90-287.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

RWP/le

Ref.: ID# 9232

cc: Lt. Jimmy D. Fisher
Crockett Police Dept.
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