



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 4, 1991

Ms. Rosalinda Garcia
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002

OR91-007

Dear Ms. Garcia:

By letter of July 2, 1990, you asked 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# 10006.

The Harris County Sheriff requested information about a psychological evaluation of an employee of the sheriff's department who appealed his termination to the Civil Service Commission. We have considered the exception you claimed, section 3(a)(1), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 316 (1982), a copy of which is enclosed, resolves the open record question raised by this request. The report of a psychologist's examination of an individual is excepted from disclosure by article 556h, V.T.C.S. and is not made available to the public by the Open Records Act.

You also suggest that the sheriff has a right of access to the report because it relates to an employee of his office. Attorney General Opinion JM-838 (1988), a copy of which is enclosed, addressed a similar question. It concluded that the police chief could not see the report of a psychological examination of a police officer given under a civil service requirement without a signed release from the police officer. Therefore, the report of the psychological evaluation is not available to the sheriff.

Because prior rulings of this office answer your question, 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 OR91-007.

Yours very truly,

Susan Garrison
Assistant Attorney General
Opinion Committee

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Ref.: ID# 10006

Enclosure: Attorney General Opinion JM-838 (1988);
Open Records Decision No. 316

cc: Johnny Klevenhagen
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