



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 3, 1992

Mr. Burton F. Raiford
Interim Commissioner
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030

OR92-367

Dear Mr. Raiford:

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# 14200.

You have received a request for information relating to a sexual harassment complaint filed against a Texas Department of Human Services (the department) employee. Specifically, the requestor seeks "copies of any and all reports made by Internal Affairs with reference to the investigation of the alleged incident." You claim the requested information is excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

Section 3(a)(1) excepts from disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Section 12.003 of the Human Resources Code provides for the confidentiality of information relating to recipients of department programs and states in pertinent part:

(a) Except for purposes directly connected with the administration of the department's assistance programs, it is an offense for a person to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of the names of, or any information concerning, persons applying for or receiving assistance if the information is directly or indirectly derived from the records, papers, files, or communications of the department or acquired

by employees of the department in the performance of their official duties.

This provision prohibits the disclosure of any information about clients of the Aid to Families with Dependent Children and Medicaid programs administered by the department, except for purposes connected with the administration of welfare programs. Open Records Decision No. 584 (1991).

You advise us that the requested documents relate to a recipient of department assistance and have submitted to us for review exhibits C through K, which relate to that recipient. You claim that exhibits C, G, H, I, J, and K are excepted in their entireties from required public disclosure by section 3(a)(1), and that exhibits D, E, and F may be released with the names of the clients deleted. We find that exhibit C is not responsive to the request and may be withheld. Furthermore, while we agree that exhibits G, H, I, J, and K must not be disclosed pursuant to section 12.003 of the Texas Human Resources Code, we have determined, in regard to exhibits D, E and F, that that provision applies to any client information, contained therein, not merely the client's name. *See id.* (1991). We have marked exhibits D, E, and F, accordingly. Therefore, because we have determined that any client information is deemed confidential by statutory law, the department must not release such information pursuant to section 3(a)(1) of the Open Records Act.

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 OR92-367.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KG/GK/lmm

Ref.: ID# 14200

cc: Mr. Hector J. Villarreal
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