



Office of the Attorney General

State of Texas

December 18, 1992

DAN MORALES

ATTORNEY GENERAL

Ms. Katherine M. Tanner
Executive Assistant to the Administrator
Lee Memorial Hospital
P. O. Box 819
Giddings, Texas 78942

OR92-696

Dear Ms. Tanner:

The Lee Memorial Hospital (the "hospital") has received a request for the following information:

a copy of the April and May check registers and the April and May trial balance sheets; . . . any agreements or loans entered into with any person or persons in or out of Lee County for any reason or reasons; . . . copies of the employee list for April and May and a breakdown of the total salaries paid per department for April and May, . . . [and] all complaints against any Doctor at Lee Memorial Hospital.¹

You advise us that you do not object to release of any of the requested information. You have submitted to us for review, however, two reports prepared by the Texas Medical Foundation relating to physician quality control. One is the duplicate of the other. You ask whether this 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# 16354.

Information must be withheld from required public disclosure under common-law privacy if it meets the criteria articulated for section 3(a)(1) of the act by the Texas Supreme Court in *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Under the *Industrial Foundation* case, information may be withheld on common-law privacy grounds only if it is highly intimate or embarrassing and is of no legitimate concern to the public. Illnesses, operations, and physical handicaps are the type of medical information this office has previously determined fall within the protection of common-law privacy. Open Records Decision No. 455 (1987). Disclosure of what kinds of prescription drugs a person is taking is also protected by common-law privacy. *Id.*

¹The requestor, however, does not seek the names of any patients.

We have examined the documents submitted to us for review. The documents contain information relating to the illnesses of a hospital patient and reveal what types of prescription drugs the patient is taking. Such information is "highly intimate or embarrassing" and must be withheld under the doctrine of common-law privacy. Accordingly, we conclude that the second page of each report and the information marked on the first page of each report must be withheld from required public disclosure under section 3(a)(1) of the Open Records Act. The remaining information, however, is not "highly intimate or embarrassing" and must be released.

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 OR92-696.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/GCK/Imm

Ref.: ID# 16354
ID# 16515

cc: Mr. Edward W. Evans
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