



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1995

Ms. Susan M. Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704-7491

OR95-1180

Dear Ms. Cory:

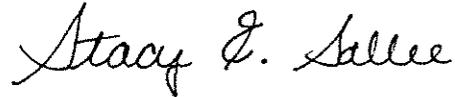
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36118.

The Texas Workers' Compensation Commission (the "commission") received a request for any investigative reports which the commission may have regarding a particular physician. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claimed and have reviewed the document at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 402.092 of the Labor Code was added in the most recent legislative session. That section provides that information maintained in the investigative files of the commission is confidential and may not be disclosed except in four limited circumstances, none of which apply here. Act of May 26, 1995, 74th Leg., R.S., ch. 980, § 1.19, 1995 Tex. Sess. Law Serv. 4912, 4916-17 (Vernon). "Investigative file" is defined as "any information compiled or maintained by the commission with respect to a commission investigation authorized by law." *Id.* at 4916. We conclude that the requested information was compiled in connection with an investigation that the commission is authorized by law to conduct. Therefore, the requested information is made confidential by statute and must not be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/rho

Ref.: ID# 36118

Enclosures: Submitted document

cc: Ms. Christy Armstrong
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(w/o enclosure)