



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 8, 1996

Mr. Miles K. Risley
Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR96-0003

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37476.

The City of Victoria (the "city") received a request for a complete police report on a suicide. You state that some of the requested information was released to the requestor. However, you claim that one requested document is excepted from disclosure under section 773.091 of the Health and Safety Code as applied through 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 773.091(b) of the Health and Safety Code provides:

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

This confidentiality "does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services." *Id.* § 773.091(g). However, section 773.092(e)(4) provides that communications and records that are confidential under section 773.091 may be disclosed to "any person who bears a written consent of the patient or other persons

authorized to act on the patient's behalf for the release of confidential information as provided by Section 773.093." Section 773.093(a) sets forth the requirements for a valid consent to the release of information as follows:

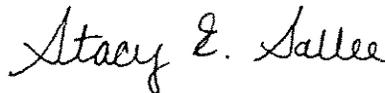
(a) Consent for the release of confidential information must be in writing and signed by the patient . . . or a personal representative if the patient is deceased. The written consent must specify:

- (1) the information or records to be covered by the release;
- (2) the reasons or purpose for the release; and
- (3) the person to whom the information is to be released.

The written consent in this case appears to comply with the statute. Therefore, the city may not withhold the requested document under section 773.092(e)(4) of the Health and Safety Code.

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 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/ch

Ref.: ID# 37476

Enclosures: Submitted document

cc: Mr. Neil G. McInnis
Field Claims Representative
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(w/o enclosure)