



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 30, 1996

Ms. Lan P. Nguyen  
Assistant City Attorney  
Legal Department  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-0830

Dear Ms. Nguyen:

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# 29398.

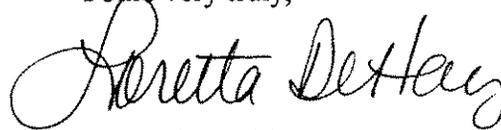
The City of Houston (the "city") received a request for information concerning a certain driver for the Greater Houston Transportation company d/b/a Yellow Cab. You contend that information relating to medical reports submitted to the city concerning the driver are excepted from required public disclosure under section 552.101 of the Government Code. You submitted two documents for our review. In Open Records Letter No. 94-663 (1994), this office ruled that the city must withhold much of the requested information under section 5.08(b) of the Medical Practice Act, V.T.C.S., article 4495b.

Portions of the documents were created by the driver and not a physician. Thus, we determined that those portions of the documents were not confidential under section 5.08(b). At that time, this office was considering whether the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12101 - 12213 makes this type of information confidential. We allowed you to withhold the information pending our decision on the scope of ADA confidentiality. We have recently issued Open Records Decision No. 641 (1996) in which we concluded that information collected under the ADA from an applicant or employee concerning that individual's medical condition and medical history is confidential under section 552.101 of the Government Code. The requested medical information is not that of a public employee or an applicant for public employment, but concerns a taxicab driver licensed by the city. It does not appear that the ADA confidentiality provisions apply in

this instance. We have marked information that you must withhold on the basis of common-law privacy. The remaining information provided by the driver must be released.

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 this office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/ch

Ref.: ID# 29398

Enclosures: Marked documents

cc: Ms. Tammy C. Manning  
Madeline D. Sitzes & Associates  
901 West Alabama at Roseland  
Houston, Texas 77006  
(w/o enclosures)