



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 9, 1996

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

OR96-2326

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102276.

The City of Houston (the "city") received a request for the Emergency Medical Services records and the Houston Police Department records concerning the emergency medical services provided to a particular individual on December 12, 1990. You state that the Houston Police Department does not have records that are responsive to the request.<sup>1</sup> You have submitted copies of the requested Emergency Medical Services records to this office for review, and you contend that these records are excepted from disclosure under section 552.101 of the Government Code, in conjunction with section 773.091 of the Health and Safety Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 773.091 of the Health and Safety Code provides in part:

(a) A communication between certified emergency medical services personnel or a physician providing medical supervision and a patient that is made in the course of providing emergency medical services to the patient is confidential and privileged and may not be disclosed except as provided by the chapter.

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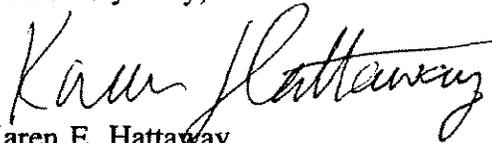
<sup>1</sup>We note that a governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision No. 561 (1990).

(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.

All but one of the records at issue are deemed confidential by section 773.091 and, therefore, may be released only in accordance with chapter 773 of the Health and Safety Code. *See* Health and Safety Code §§ 773.091-.094. One record, which we have marked, is not the type of record that is protected by section 773.091. Accordingly, the marked record must be released to the requestor.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 102276

Enclosures: Submitted documents

cc: Ms. Cecilia Oliva  
8119 Swiss Lane  
Houston, Texas 77075  
(w/o enclosures)