



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 13, 1997

Mr. J. Robert Giddings
The University of Texas System
Office of the General Counsel
201 West Seventh Street
Austin, Texas 78701-2981

OR97-0533

Dear Mr. Giddings:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104244.

The University of Texas System (the "system") received a request for fifteen categories of information concerning the emergency room at the University of Texas Medical Branch at Galveston. You state that the system will provide the requestor with documents responsive to categories 1-9 and 13-14 of the request to the extent that such documents exist. As for categories 10-12 of the request, you contend that the responsive documents are excepted from disclosure under section 552.101 of the Government Code in conjunction with section 161.032 of the Health and Safety Code, section 5.06(g) of article 4495b, V.T.C.S., and section 2(a) of article 4525b, V.T.C.S. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code 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 5.06(g) of article 4495b, V.T.C.S. makes confidential "all proceedings and records of a medical peer review committee," as well as "all communications made to a medical peer review committee." Similarly, section 2(a) of article 4525b, V.T.C.S. makes confidential "all proceedings of a nursing peer review committee" and "all communications made to a nursing peer review committee." Having reviewed the documents at issue in light of the arguments that you have presented, we conclude that the documents fall within the scope of these two confidentiality provisions and are, therefore, excepted from disclosure under section 552.101 of the Government Code.¹

¹Because we find the documents at issue to be confidential under section 5.06(g) of article 4495b, V.T.C.S., and section 2(a) of article 4525b, V.T.C.S., we need not address section 161.032 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 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# 104244

Enclosures: Submitted documents

cc: Mr. Kevin Moran
Houston Chronicle
6710 Golf Crest Dr.
Galveston, Texas 77550
(w/o enclosures)