



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 19, 1997

Mr. John Steiner
Division Chief
Law Department
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546

OR97-1421

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106545.

The City of Austin Emergency Medical Services (the "city") received a request for any services provided for a named individual, with a specific interest expressed in dates of transportation, points of pick up and points of delivery and reasons for service. You assert that the requested information is excepted from public disclosure under section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code. You have submitted a representative sample of the documents at issue to this office for review.¹

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.

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(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.

* * * *

(g) The privilege of confidentiality under this section 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.

The submitted records are records concerning the identity, evaluation, and treatment of the named patient by emergency medical services personnel of the department that are created and maintained by the department. Except for the information specified in subsection (g), emergency medical records are deemed confidential by section 773.091 and may be released only in accordance with chapter 773 of the Health and Safety Code. See Health and Safety Code §§ 773.091-.094. However, in this instance, release of any of the information submitted will reveal the identity of the patient. Consequently, you must withhold all of the documents under section 552.101 of the Government Code in conjunction with section 773.091 (a) and (b) 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,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref: ID# 106545

Enclosures: Submitted documents

cc: Mr. Stewart Dearing
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(w/o enclosures)

