



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 18, 1997

Ms. Susan M. Cory  
General Counsel  
Texas Workers' Compensation Commission  
Southfield Building, MS-4D  
4000 South IH-35  
Austin, Texas 78704-7491

OR97-1629

Dear Ms Cory:

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# 107296.

The Texas Workers' Compensation Commission (the "commission") received a request for:

All documents relating to the investigation of Durham Temporaries, In. or NCS Contract Services, Inc. by or at the direction of the Texas Workers' Compensation Insurance [*sic*] Commission.

You claim that the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 402.092 of the Labor Code provides that:

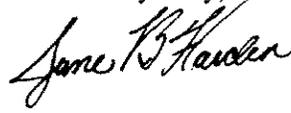
- (a) Information maintained in the investigation files of the commission is confidential and may not be disclosed except:
- (1) in a criminal proceeding;
  - (2) in a hearing conducted by the commission;
  - (3) on a judicial determination of good cause; or
  - (4) to a governmental agency, political subdivision, or regulatory body if the disclosure is necessary or proper for the enforcement of the laws of this or another state of the United States.

(b) Commission investigation files are not open records for the purposes of Chapter 552, Government Code.

You contend that the documents at issue are maintained in the investigative files of the commission and are confidential pursuant to section 402.092 of the Labor Code. We note, however, that one of the documents that you have submitted for our review is a copy of a petition. This office has previously ruled that a petition filed with a court for the purposes of an appeal is not confidential under section 402.083 of the Labor Code. Documents filed with a court are generally considered public. *Cf. Star Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992). Therefore, we conclude that except for the petition, the commission must withhold the documents from public disclosure under section 552.101.<sup>1</sup>

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/alg

Ref.: ID# 107296

Enclosures: Submitted documents

cc: Mr. Lonny J. Hoffman  
Schlanger, Mills, Mayer & Grossberg, L.L.P.  
5847 San Felipe, Suite 1700  
Houston, Texas 77057  
(w/o enclosures)

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<sup>1</sup>Because we are able to make a determination under section 552.101, we do not address the other exceptions to disclosure.