



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 19, 1997

Mr. Craig H. Smith  
Deputy General Counsel  
Texas Workers' Compensation Commission  
Southfield Building, MS-4D  
4000 South IH-35  
Austin, Texas 78704-7491

OR97-2530

Dear Mr. Smith:

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# 111039.

The Texas Workers' Compensation Commission (the "commission") received a request for information relating to a specific complaint. 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 information maintained in the investigative files of the commission is confidential and may not be disclosed except in four limited circumstances, none of which apply here. Labor Code § 402.092(a). "Investigative file" is defined as "any information compiled or maintained by the commission with respect to a commission investigation authorized by law." *Id.* § 402.092(d). After review of the responsive information and your arguments, we conclude that the requested information was compiled in connection with an investigation that the commission is authorized by law to conduct. Labor Code § 414.002(1), (4). Therefore, the requested information is made confidential by statute and must not be disclosed.

Because we make a determination under section 552.101, we do not address your additional arguments against disclosure. 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,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is written in a cursive style with a large initial "J".

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/alg

Ref.: ID# 111039

Enclosures: Submitted documents

cc: Mr. Glenn Johnson  
8926 Daffodil  
Houston, Texas 77063  
(w/o enclosures)