



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 25, 1998

Mr. Michael Bostic
Assistant City Attorney
City of Dallas
Criminal Law and Police Division
Municipal Building
Dallas, Texas 75201

OR98-2019

Dear Mr. Bostic:

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# 117817.

The City of Dallas (the "city") received a request for the personnel file of a former Dallas police officer. You state that most of the documents contained in the personnel file have been released. You claim, however, that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

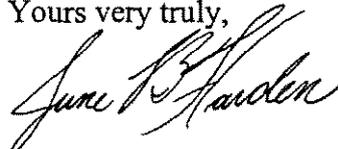
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses information protected by other statutes. You assert that the submitted documents are protected by the Medical Practice Act (the "MPA"), article 4495b of Vernon's Texas Civil Statutes. The MPA protects from disclosure "[r]ecords of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician." V.T.C.S. art. 4495b, § 5.08(b). The MPA provides for both confidentiality of medical records and certain statutory access requirements. *Id.* at 2. We have marked the documents that are medical records and may only be released as provided by the MPA. The remaining documents are not medical records and may not be withheld under section 5.08 of V.T.C.S. article 4495b.

We note, however, that certain information contained in the remaining documents is confidential by law. Section 552.117(2) of the Government Code excepts from public

disclosure a peace officer's home address, home telephone number, social security number, and information indicating whether the peace officer has family members. We have marked the information that must be withheld under section 552.117(2). The remaining information must be released.

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/ch

Ref.: ID# 117817

Enclosures: Submitted documents

cc: Mr. Derek Sherrill
Remington & Jeffrey
1306 W. Abram
Arlington, Texas 75013-1711
(w/o enclosures)