



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 23, 1998

Mr. Monty Waters, Attorney
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR98-2826

Dear Mr. Waters:

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# 119886.

The Department of Health (the "department") received a request for 1) "All documentation of any correspondence, communications, and contacts between any representatives of" a named "surgicenter" and the department "relating to any actual or potential hepatitis-C cases at the surgicenter between 1990 and the present," and 2) "All supporting documents, underlying data, calculations, observations, notes, and other materials of any sort that were prepared or utilized by the Department during its investigation of hepatitis-C at" the named surgicenter. You submit information as responsive to the request.¹ You claim that the requested information is made confidential by section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code.

Section 552.101 requires withholding information made confidential by statute. Section 81.046 of the Health and Safety Code provides in part:

(a) Reports, records, and information furnished to a health authority or the department that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.

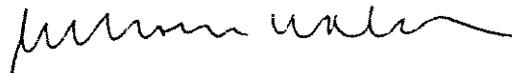
¹You indicate that you have not submitted information responsive to another item in the request, for information relating to named individuals who are clients of the requestor, "because [the department] awaits the proper signed authorizations for release of the information." This decision does not address this part of the request. See § 81.046(c)(2) (release of medical or epidemiological information "with the consent of each person identified in the information.")

(b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under Chapter 552, Government Code, and may not be released or made public on subpoena or otherwise except as provided by Subsections (c) and (d).

None of the exceptions to confidentiality under section 81.046 apply to the request here. We have examined the information you submitted as responsive to the request and conclude that you must withhold the information in its entirety under section 552.101 of the Government Code in conjunction with section 81.046 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119886

Enclosures: Submitted documents

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(w/o enclosures)