OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

August 2, 1999

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

OR99-2159

Dear Mr. Waters:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126340.

The Texas Department of Health (the "department") received a request for all information relating to an "investigation of an e-coli outbreak in Texarkana, Bowie County, Texas from the dates of November 1998 through February 1999." You claim that the requested information is excepted from disclosure by section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code. We have considered your arguments and have reviewed the documents at issue.

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. The Communicable Disease Prevention and Control Act, Health & Safety Code § 81.046, protects the following records from disclosure:

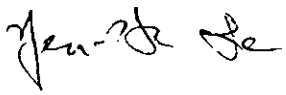
> (a) Reports, records, and information furnished to a health authority or the department that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.
>
> (b) Reports, records, and information relating to cases or suspected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

Health & Safety Code § 81.046(a), (b). The quoted provision is a broad confidentiality provision that encompasses any information relating to reportable diseases or health conditions that are in possession of a health authority or the department. *See* Open Records Decision No. 577 (1990).

We conclude that the requested documents contain information relating to reportable diseases and that none of the exceptions to the confidentiality provision applies. Therefore, you must withhold the requested information as it is confidential under section 81.046 in conjunction with section 552.101 of the Government 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 questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 126340

Encl.: Submitted documents

cc: Mr. Mark C. Burgess
Crisp, Jordan & Boyd, L.L.P.
P.O. Box 6297
Texarkana, Texas 75505-6297
(w/o enclosures)