



August 27, 1999

Ms. Moira Parro
Assistant District Attorney
Dallas County
411 Elm Street
Dallas, Texas 75202

OR99-2422

Dear Ms. Parro:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126847.

Dallas County (the "county") received requests for all information relating to the testing of "I.N.S. prisoners" for tuberculosis. 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 submitted representative sample of documents.¹

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

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

or otherwise except as provided. . . .

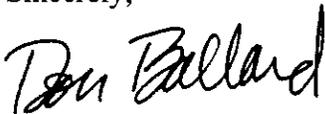
Health & Safety Code § 81.046(a), (b). The quoted provision is a broad confidentiality provision that encompasses any information relating to reportable diseases or health conditions that are in possession of a health authority or the department. *See* Open Records Decision No. 577 (1990).

You explain that “TB tests in the Dallas County jail are performed by medical personnel employed in the TB Control section of the Dallas County Health and Human Services Department. Dallas County Health and Human Services maintains inmate TB information.” We conclude that the requested documents contain information relating to reportable diseases. Therefore, you must withhold most of the requested information as it is confidential under section 81.046 in conjunction with section 552.101 of the Government Code.

One of the documents is a monthly report containing statistical information of tuberculosis screening that the county health authority is required to submit to the Texas Department of Health pursuant to section 81.043 of the Health and Safety Code. Subsection (c)(1) of section 81.046 is an exception to the confidentiality provision, and it provides that medical or epidemiological information may be released for statistical purposes if released in a manner that prevents the identification of any person. Health & Safety Code § 81.046(c)(1). The monthly report contains mostly statistical information that may be released after the individuals’ names and medical record numbers are redacted in accordance with section 81.046(c).

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/nc

Ref: ID# 126847

Encl.: Submitted documents

cc: Mr. Joe Munoz
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3900 McKinnon, #850
Dallas, Texas 75219
(w/o enclosures)