



September 10, 1999

Ms. Lisa Aguilar  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78711-2548

OR99-2522

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under the, Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127361.

The Corpus Christi Health Department (the "health department") received a request for "copies of all records which [the health] department has indicating that there were reports or complaints of any type of toxic exposure or contagious diseases reported at the [Gulfway Manor] [A]partment complex in Corpus Christi for the two-year period prior to July 1, 1998." The request is from an attorney who states that he is representing three children who he claims contracted a disease while living at the Gulfway Manor Apartments. You assert that the requested information is excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code.

Section 552.101 of the Government Code excepts from required public disclosure information considered to be confidential by law. This exception applies to information made confidential by statute. Section 81.046(a) of the Health and Safety Code reads as follows:

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.

We have reviewed the information at issue and agree that section 81.046 is applicable. *See* Open Records Decision No. 577 (1990). Subsection (c) of section 81.046 authorizes the

release of medical or epidemiological information in certain circumstances, none of which is applicable here. Accordingly, the department must withhold the information from the requestor based on section 552.101 of the Government Code.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings  
Assistant Attorney General  
Open Records Division

KHH/nc

Ref.: ID# 127361

Encl. Submitted documents

cc: Mr. Charles Webb  
710 Mesquite Street  
Corpus Christi, Texas 78401  
(w/o enclosures)