



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 3, 2009

Ms. Amy Currier
Public Information Officer
Texas Funeral Service Commission
P.O. Box 122217
Capitol Station
Austin, Texas 78711

OR2009-15636

Dear Ms. Currier:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 360610.

The Texas Funeral Service Commission (the "commission") received a request for a specified complaint. You claim 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 information you have submitted.

Initially, we note a portion of the submitted information, which we have marked, was received by the commission after the date the request was received. Because the commission did not maintain this information when it received the request for information at issue it is not responsive to the request. This ruling does not address the public availability of any information that is not responsive to the request, and the commission is not required to release this information in response to this request.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 651.203 of the Occupations Code provides that "[i]nformation in a [complaint file maintained by the commission], other than information relating to a complaint that has not

reached a final disposition, is public information.” Occ. Code § 651.203(b). We conclude this language makes confidential information relating to a complaint that has not reached a final disposition. You state the requested information relates to a complaint that is currently under investigation. Based on your representation, we agree the responsive information is confidential under section 651.203(b) of the Occupations Code. Therefore, the responsive information must be withheld under section 552.101 of the Government Code in conjunction with section 651.203(b) of the Occupations Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Melanie J. Villars
Assistant Attorney General
Open Records Division

MJV/rl

Ref: ID# 360610

Enc. Submitted documents

c: Requestor
(w/o enclosures)