



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 7, 2010

Ms. Loris Jones  
Public Information Officer  
Texas Board of Veterinary Medical Examiners  
333 Guadalupe Street, Suite 3-810  
Austin, Texas 78701-3942

OR2010-08235

Dear Ms. Jones:

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# 382299.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for two board licensees' responses to four specified cases. 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 submitted information.

Initially, we note you have not submitted information responsive to two of the specified cases. To the extent information responsive to that part of the request existed on the date the board received the request, we assume you have released it. If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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 exception encompasses information that other statutes make confidential. You claim the submitted information is confidential under section 801.207 of the Occupations Code. Section 801.207(b) provides that "[a]n investigation record of the board, including a record relating to a complaint that is found to be groundless, is confidential." Occ. Code § 801.207(b). We note the requestor in the present request is the complainant in the investigation. In Open Records Decision No. 683 (2009), this office held that although section 801.207(b) makes the board's investigation records confidential as to the general public, this statute "does not prohibit the board from releasing the complaint to

the licensee *during the complaint investigation process.*" ORD 683 at 4 (emphasis added). Furthermore, section 801.207 does not prohibit the board from releasing "to the complainant, as a party to the complaint, a copy of the licensee's response *during the investigation process.*" *Id.* at 5 (emphasis added).

You state pursuant to the board's procedures, an "investigation file is opened upon receipt of a complaint[.]" You also indicate the submitted information relates to a complaint filed with the board and is maintained within the board's investigation files. You state two of the specified cases constitute the initial complaints and the other two cases consist of appeals of the findings for the initial complaints. You further inform us the present request for information was "submitted and received *after* the investigation process has concluded[.]" (emphasis added). Therefore, based on your representations and our review, we conclude the submitted information is confidential under section 801.207(b) of the Occupations Code and must be withheld from disclosure under section 552.101 of the Government 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](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,



Mack T. Harrison  
Assistant Attorney General  
Open Records Division

MTH/eeg

Ref: ID# 382299

Enc. Submitted documents

c: Requestor  
(w/o enclosures)