



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 30, 2010

Mr. Michael A. Guevara  
Shotts, Pardue, Trevino & Guevarra LLP  
1322 Hunter Ace Way  
Cedar Park, Texas 78613

OR2010-09659

Dear Mr. Guevara:

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# 384807.

The City of Littlefield (the "city"), which you represent, received a request for certain emergency medical services ("EMS") pages concerning an April 12, 2010, EMS call from a named individual. You claim the submitted audio recordings are excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.101 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 made confidential by other statutes. Section 773.091 of the Health and Safety Code provides in part:

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

---

<sup>1</sup>While you do not explicitly raise section 552.101 of the Government Code in your brief, based on your arguments we understand you to assert section 552.101.

...

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services.

Health & Safety Code § 773.091(b), (g). Except for the information specified in section 773.091(g), EMS records are deemed confidential under section 773.091 and may only be released in accordance with chapter 773 of the Health and Safety Code. *See id.* §§ 773.091-.094. Upon review, the submitted audio recordings pertain to the dispatch of EMS personnel to a location. However, these dispatch recordings do not contain any information regarding actions performed or services provided by EMS personnel upon arriving at that location, and you do not explain how these recordings reveal the identity, evaluation, or treatment of a patient by EMS personnel. Thus, we conclude you failed to demonstrate the applicability of section 773.091 of the Health and Safety Code to these recordings, and they may not be withheld under section 552.101 of the Government Code. As you raise no other exceptions to disclosure, the submitted audio recordings must be released.

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,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/eeg

Ref: ID# 384807

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)