



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 30, 2010

Mr. Dewey E. Helmcamp III
Executive Director
Texas Board of Veterinary Medical Examiners
333 Guadalupe Suite 3-810
Austin, Texas 78701-3942

OR2010-13115

Dear Mr. Helmcamp:

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# 392138.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for (1) an electronic spreadsheet of all consumer complaints for calendar years 2005 through 2010, to include all routinely recorded fields of information; and (2) a record layout, also known as a "data dictionary," of the board's complaint database. You state that the data dictionary of the board's complaint database has been released. You claim that the rest of the requested 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 submitted.

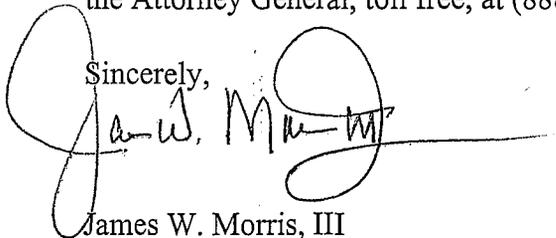
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. You raise section 552.101 in conjunction with section 801.207(b) of the Occupations Code, which 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). You state that under the board's procedures, an investigation file is opened on receipt of a complaint against a veterinarian. You explain that any matters related to the complaint and subsequent investigation become part of the investigation record of the complaint, which the board considers to be confidential under section 801.207(b). You state that in the normal course of the board's business, the submitted complaint information

would be contained within an investigation file. Based on your representations and our review of the information at issue, we conclude that the submitted information is confidential under section 801.207(b) of the Occupations Code and must be withheld from the requestor on that basis under section 552.101 of the Government Code. *See* Open Records Decision No. 683 at 4-5 (2009) (“When requested by a member of the general public, both the complaint and the licensee’s response are confidential under section 801.207(b) and . . . excepted from required public disclosure under section 552.101[.]”).

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,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is written in a cursive style with a long horizontal line extending to the right.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 392138

Enc: Submitted documents

c: Requestor
(w/o enclosures)