



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 18, 2010

Mr. C. David Richards
Assistant General Counsel
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2010-17469

Dear Mr. Richards:

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# 400659 (DSHS File 17913/2010).

The Texas Department of State Health Services (the "department") received a request for (1) information pertaining to a specified complaint filed by a named individual; (2) federal guidelines related to state oversight of sex offender treatment providers; and (3) all documents, including personnel manuals, mandated training, and updated protocols, regarding customs, practices, policies, and procedures for handling complaints and investigations by the Council on Sex Offender Treatment (the "council"). You claim the submitted complaint file records are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You state, and we agree, the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2010-16735 (2010). In Open Records Letter No. 2010-16735, we ruled that to the extent the requested federal guidelines or department policies and procedures existed, the department must release them. We also ruled the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 110.256(a) of the Occupations Code. However, we also noted that to the extent the council has filed formal charges against the treatment provider with respect to the complaint, the nature of those

charges, disciplinary proceedings of the council, and any final disciplinary actions are not confidential and must be released. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the department must rely on Open Records Letter No. 2010-16735 as a previous determination and withhold or release the information at issue in accordance with that ruling.¹ See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 400659

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your argument against disclosure.