



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 18, 2011

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2011-00819

Dear Mr. Bounds:

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# 406306.

The Corpus Christi Fire Department, the Corpus Christi Fire Marshal, and the Corpus Christi Police Department (collectively, the "city") received a request for all records pertaining to a specified fire. You state the city has released some of the responsive information with redactions under section 552.130 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ You claim the remaining requested information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you represent most of the information at issue was the subject of previous requests for information, in response to which this office issued Open Records Letter No. 2010-18008 (2010). In that ruling, we held (1) with the exception of the information subject to section 773.091(g) of the Health and Safety Code, the city must withhold the marked patient care reports under section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code unless the city receives the required consent

¹Open Records Decision No. 684 is a previous determination authorizing all governmental bodies to withhold ten categories of information, including Texas driver's license numbers and license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

for release of that information, and (2) with the exception of basic information, the city may withhold the remaining information, including any information encompassed by section 773.091(g) that is not otherwise subject to release under sections 773.092 and 773.093, pursuant to section 552.108(a)(1) of the Government Code. As we have no indication that the law, facts, and circumstances on which the prior ruling was based have changed, the city must continue to rely on that ruling as a previous determination and withhold or release the information at issue in Open Records Letter No. 2010-18008 in accordance with that ruling.² *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).

You claim the remaining information at issue, which consists of itemized bills for emergency medical services, is excepted under section 552.101 of the Government Code. 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.

...

(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), emergency medical service (“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, we find the submitted bills contain details about the identity, evaluation, or treatment of a patient by emergency medical services personnel. Thus, the remaining information at issue consists of EMS records that

²As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

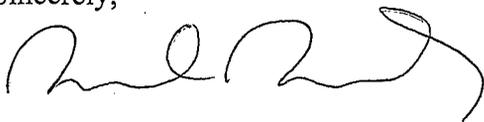
are subject to section 773.091. We note records that are confidential under section 773.091 may be disclosed to "any person who bears a written consent of the patient or other persons authorized to act on the patient's behalf for the release of confidential information." *Id.* §§ 773.092(e)(4), .093. Section 773.093 provides that a consent for release of EMS records must specify: (1) the information or records to be covered by the release; (2) the reasons or purpose for the release; and (3) the person to whom the information is to be released. Thus, with the exception of the information found in section 773.091(g) that must be released, the submitted EMS records may only be released in accordance with chapter 773 of the Health and Safety Code. *See id.* §§ 773.091-.093.

In summary, the city must withhold or release the information at issue in Open Records Letter No. 2010-18008 in accordance with that ruling. With the exception of the information found in section 773.091(g) of the Health and Safety Code that must be released, the city may only release the submitted EMS records in accordance with chapter 773 of the Health and Safety 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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/eb

Ref: ID# 406306

Enc. Submitted documents

c: Requestor
(w/o enclosures)