



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 4, 2011

Ms. Yvette Yarbrough
Board Attorney
Texas Board of Chiropractic Examiners
333 Guadalupe, Suite 3-825
Austin, Texas 78701

OR2011-06093

Dear Ms. Yarbrough:

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# 416370.

The Texas Board of Chiropractic Examiners (the "board") received a request for board cases 108-180 and 110-182. You state you have released some of the responsive information to the requestor. You claim that 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.

Section 552.101 of the Government Code excepts from public 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 including section 201.206 of the Occupations Code. Section 201.206 provides in part:

(a) The board's investigation files are confidential, privileged, and not subject to discovery, subpoena, or any other means of legal compulsion for release other than to the board or an employee or agent of the board.

(d) Notwithstanding Subsection (a), the board may:

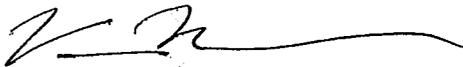
- (1) disclose a complaint to the affected license holder; and
- (2) provide to a complainant the license holder's response to the complaint, if providing the response is considered by the board to be necessary to investigate the complaint.

Occ. Code § 201.206(a), (d). Section 201.206 applies to "all investigations pending or opened on or after September 1, 2003." You state the submitted information was taken from an investigative file that was opened after September 1, 2003. This information reflects the investigation pertained to a chiropractor licensed by the board. We understand the file at issue is maintained by the board pursuant to section 201.204 of the Occupations Code. *See id.* § 201.204 (setting forth the board's record keeping requirements with respect to complaints filed with the board). Thus, based upon your arguments and our review, we agree the submitted information is a part of the board's investigation file and section 201.206 governs release of this information. We have no indication the requestor is entitled to any of the information at issue pursuant to section 201.206(d). Thus, we find the submitted information must be withheld under section 552.101 of the Government Code in conjunction with section 201.206 of the Occupations Code.¹

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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/em

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

Ref: ID# 416370

Enc. Submitted documents

c: Requestor
(w/o enclosures)