



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 8, 2011

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

OR2011-08128

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# 424924.

The City of Corpus Christi (the "city") received a request for six categories of information related to a specified incident. You state some responsive information has been made available to the requestor, but you claim portions of the submitted information are 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 disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 773.091 of the Health and Safety Code, which provides in relevant 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 services ("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. You state the submitted fire department incident report and patient care report, which you have marked, are maintained by the city's fire department and reflect the treatment of a patient by EMS personnel. Based on your representation and our review, we agree these reports constitute EMS records that are subject to chapter 773 of the Health and Safety Code. As you acknowledge, however, 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 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. In this instance, you state the requestor has not "submitted adequate written consent of the patient or another person authorized to act on the patient's behalf[.]" Thus, with the exception of the information subject to section 773.091(g), which is not confidential, the marked EMS records may only be released if the city receives proper written consent in accordance with chapter 773 of the Health and Safety Code. *See id.* §§ 773.091-.093.

You claim some of the remaining information is excepted under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code are applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See Open Records Decision No. 649 (1996)*. These sections make the originating telephone number and address of a 9-1-1 caller that are furnished by a 9-1-1 service supplier confidential. *Id.* at 2. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000. You state the city is part of an emergency communication district established under chapter 772. You have marked the telephone number and address you claim are confidential under section 772.318 in the submitted event reports.

You state the marked information was received from a 9-1-1 service supplier. Upon review, we conclude the city must withhold the 9-1-1 caller's originating telephone number and address you have marked in the submitted event reports under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

In summary, the city must withhold under section 552.101 of the Government Code the marked fire department incident report and patient care report in conjunction with section 773.091 of the Health and Safety Code, except for the information specified in section 773.091(g) of the Health and Safety Code; and the marked 9-1-1 caller's originating telephone number and address in the submitted event reports in conjunction with section 772.318 of the Health and Safety Code. The remaining information 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, 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 424924

Enc. Submitted documents

c: Requestor
(w/o enclosures)