



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 26, 2011

Ms. Myrna S. Reingold  
Galveston County  
Legal Department  
722 Moody, 5th Floor  
Galveston, Texas 77550-2317

OR2011-10762

Dear Ms. Reingold:

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# 424916.

The Galveston County Health District (the "district") received a request for the requestor's complete training file. You state the majority of the information was provided to the requestor, with redactions pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code.<sup>2</sup> We have considered the exceptions 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

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<sup>1</sup>We note this office issued Open Records Decision No. 684, a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including e-mail addresses of members of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

<sup>2</sup>Although you initially raised section 552.108 and 552.111 of the Government Code, you make no arguments to support these exceptions. Accordingly, we find the district has waived its claims under these exceptions. *See* Gov't Code § 552.301(e) (governmental body must provide comments stating why exceptions raised should apply to information requested).

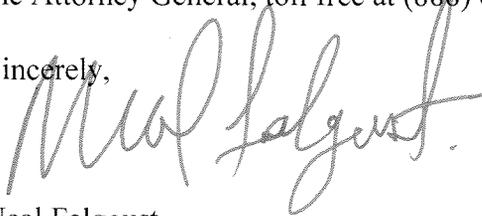
Code § 552.101. Section 552.101 encompasses section 773.0612 of the Health and Safety Code. Subchapter C of the Emergency Medical Services Act, chapter 773 of the Health and Safety Code, governs the licensing, certification, and qualifications of emergency medical services personnel. *See* Health & Safety Code § 773.041 *et seq.* Section 773.0612 provides, “[a] report, record, or working paper used or developed in an investigation under this section is confidential and may be used only for purposes consistent with the rules adopted by the [Texas Board of Health].” *Id.* § 773.0612(b).

You state the information you seek to withhold relates to a complaint that was made to the EMS Compliance Group of the Texas Department of State Health Services (“DSHS”). You explain the complaint involves the conduct of an emergency medical technician formerly employed by the district, and DSHS is investigating the complaint. Based on your representations and our review of the information at issue, we find the information you have marked constitutes reports, records, or working papers used or developed in an investigation under section 773.0612 of the Health and Safety Code. Therefore, the information you have marked is confidential under section 773.0612(b) and must be withheld on that basis under section 552.101 of the Government Code.<sup>3</sup>

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](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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/tf

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<sup>3</sup>As our ruling is dispositive, we do not address your remaining arguments against disclosure.

Ref: ID# 424916

Enc. Submitted documents

c: Requestor  
(w/o enclosures)