



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 19, 2011

Mr. Ryan S. Henry  
For Dallas County Hospital District d/b/a Parkland Health and Hospital System  
Denton, Navarro, Rocha & Bernal, P.C.  
2517 North Main Avenue  
San Antonio, Texas 78212

OR2011-18613

Dear Mr. Henry:

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# 439353.

The Dallas County Hospital District d/b/a Parkland Health and Hospital system (the "district"), which you represent, received a request for "all [Texas Public Information Act] requests made to Parkland Memorial Hospital or Parkland Health and Hospital System since January 1, 2011." You state the district has provided some of the requested information to the requestor. You claim 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 disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes. You assert the submitted information is confidential under sections 161.032 of the Health and Safety Code and 160.007 of the Occupations Code. Section 161.032 provides records of, or provided by, a medical committee, medical peer review committee, or compliance officer are confidential. Health & Safety Code § 161.032(c). Section 160.007 provides records of a medical peer review committee are confidential. Occ. Code § 160.007(a). In this instance, the submitted information consists of a request for information sent to Parkland Memorial Hospital for certain information regarding the requestor's client, a named doctor. You have not explained, or otherwise demonstrated, how the submitted request for information is a record of a medical committee, medical peer review committee, or compliance officer. Therefore, we find you have not established the applicability of section 161.032 of the Health and Safety Code or section 160.007 of the

Occupations Code to the submitted information. Consequently, the district may not withhold any of the submitted information under section 552.101 of the Government Code on those bases.

You also generally assert the submitted information is confidential under sections 160.004, 160.005, and 160.006 of the Occupations Code, all of which are also encompassed by section 552.101. Section 160.004 provides records and proceedings of a committee of a professional medical society or association are confidential. *Id.* § 160.004(a), (c). Section 160.005 provides a report made under subchapter A of chapter 160 of the Occupations Code is confidential. *Id.* § 160.005(a). Section 160.006 provides records received and maintained by the Texas Medical Board under subchapter A or subchapter B of chapter 160 of the Occupations Code are confidential. *Id.* § 160.006(a). You have not explained, or otherwise demonstrated, how the submitted request for information is a record or proceeding of a committee of a professional medical society or association; a report made under subchapter A of chapter 160 of the Occupations Code; or a record received and maintained by the Texas Medical Board under subchapter A or subchapter B of chapter 160 of the Occupations Code. Therefore, we find you have not established the applicability of section 160.004, section 160.005, or section 160.006 of the Occupations Code to the submitted information. Consequently, the district may not withhold any of the submitted information under section 552.101 of the Government Code on those bases. As you have not claimed any other exceptions to disclosure, the district must release the submitted information.

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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 439353

Enc. Submitted documents

c: Requestor  
(w/o enclosures)