ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 8, 2012

Mr. Reg Hargrove
Assistant Attorney General
Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2012-01926

Dear Mr. Hargrove:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Public Information Act (the "Act"). Your request was assigned ID# 444784 (PIR No. 11-32175).

The Office of the Attorney General (the "OAG") received a request for all civil cause numbers of lawsuits involving the OAG and four named persons and entities. The OAG asserts the information is excepted from disclosure under sections 552.101 and 552.107(2) of the Government Code. We have considered the OAG's claimed exceptions to disclosure and have reviewed the submitted sample of information.[1]

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. Gov't Code § 552.101. This section encompasses information protected by other statutes such as section 531.1021 of the Government Code, which provides in relevant part:

[1]We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

> (g) All information and materials subpoenaed or compiled by . . . the office of the attorney general in connection with a Medicaid fraud investigation are confidential and not subject to disclosure under [the Act], and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the [Office of the Inspector General of the Health and Human Services Commission] or the attorney general or their employees or agents involved in the audit or investigation conducted by . . . the attorney general, except that this information may be disclosed to the state auditor's office, law enforcement agencies, and other entities as permitted by other law.
>
> (h) A person who receives information under Subsection (g) may disclose the information only in accordance with Subsection (g) and in a manner that is consistent with the authorized purpose for which the person first received the information.

Gov't Code § 531.1021(g), (h). Section 531.1021(g) expressly states information connected to investigations of Medicaid fraud is confidential. The OAG explains it compiled the requested information in connection with Medicaid fraud investigations. We therefore find the OAG must withhold the information under section 552.101 of the Government Code in conjunction with section 531.1021(g) of the Government Code. Because section 531.1021(g) is dispositive, we do not address the OAG's other argument.

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,

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/som

Ref: ID# 444784

Enc: Submitted document

c: Requestor
(w/o enclosure)