



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 6, 2012

Mr. Chris Kloeris
Executive Director
Texas Optometry Board
333 Guadalupe Street, Suite 2-420
Austin, Texas 78701-3942

OR2012-12270

Dear Mr. Kloeris:

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# 461106.

The Texas Optometry Board (the "board") received a request for information pertaining to any complaints against Luxottica; Luxottica Retail North America, Inc.; LensCrafters; Pearle Vision; Sears Optical; Target Optical; or Cole Vision. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information made confidential by other statutes, such as section 351.2045(a) of the Occupations Code, which provides as follows:

¹We 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 that those records contain substantially different types of information than that submitted to this office.

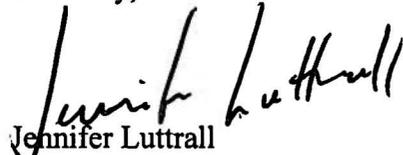
(a) The board's investigation files are confidential, privileged, and not subject to discovery, subpoena, or any other means of legal compulsion for release other than to the board or an employee or agent of the board.

Occ. Code § 351.2045(a). You state the submitted information consists of the board's investigative files. Based on your representations and our review of the information at issue, we conclude the submitted information is confidential under section 351.2045(a) of the Occupations Code. You do not inform us the board is authorized to release such information to this requestor. *See id.* 351.2045(b)-(d). Accordingly, the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 351.2045(a) of the Occupations Code.

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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/som

Ref: ID# 461106

Enc. Submitted documents

c: Requestor
(w/o enclosures)