



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 22, 2013

Mr. Thomas D. McClure
Assistant General Counsel
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2013-03015

Dear Mr. McClure:

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# 479520 (DSHS File: 21110/2012).

The Texas Department of State Health Services (the "department") received a request for information related to a specified incident and a named individual. 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 information.

Section 552.101 of the Government Code excepts from public 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 other statutes make confidential, such as section 576.005 of the Health and Safety Code, which provides, "[r]ecords of a mental health facility that directly or indirectly identify a present, former, or proposed patient are confidential unless disclosure is permitted by other state law." Health & Safety Code § 576.005. You indicate the Kerrville State Hospital (the "hospital") is a mental health facility as defined by chapter 571. *See id.* § 571.003(12). You contend the submitted information consists of records of a mental health facility that directly or indirectly identify a patient. Upon review, we find the confidentiality provision of section 576.005 applies to the submitted information. You do not indicate that any other state law would permit disclosure of this information in this instance. Accordingly, the department must

withhold the submitted information under section 552.101 of the Government Code in conjunction with section 576.005 of the Health and Safety Code.¹

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# 479520

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we make this determination, we do not address your remaining arguments.