



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 28, 2013

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2013-03413

Dear Mr. Bounds:

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# 479984 (CCPD File No. TThen6).

The Corpus Christi Police Department (the "department") received a request for information pertaining to a specified accident involving a named individual. You state you are making some information available to the requestor, with redactions pursuant to sections 552.130(c) and 552.147(b) of the Government Code and the previous determination issued in Open Records Decision No. 684 (2009).¹ You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code. 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 Code § 552.101. This exception encompasses information made confidential by other statutes, such as section 773.091 of the Health and Safety Code, which provides in relevant part:

¹Section 552.130(c) of the Government Code authorizes a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of requesting a decision from this office. *See* Gov't Code § 552.130(c); *see also id.* § 552.130(d)-(e) (requestor may appeal governmental body's decision to withhold information under section 552.130(c) to attorney general, and governmental body withholding information pursuant to section 552.130(c) must provide notice to requestor). Section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without requesting a decision. *See id.* § 552.147(b). Open Records Decision No. 684 is a previous determination authorizing all governmental bodies to withhold certain categories of information without the necessity of requesting a decision. ORD 684.

(a) A communication between certified emergency medical services personnel or a physician providing medical supervision and a patient that is made in the course of providing emergency medical services to the patient is confidential and privileged and may not be disclosed except as provided by this chapter.

(b) Records of the identity, evaluation or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

...

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services.

Health & Safety Code § 773.091(a)-(b), (g). Except for the information specified in section 773.091(g), emergency medical services (“EMS”) records are deemed confidential under section 773.091. *See id.* Upon review, we find the information you have marked constitutes an EMS record that is subject to chapter 773 of the Health and Safety Code. Accordingly, with the exception of information subject to section 773.091(g), which must be released, the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 773.091(b) of the Health and Safety Code.²

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, and personal identification document issued by an agency of this state or another state or country is excepted from public release. Gov’t Code § 552.130(a)(1)-(3). Upon review, we find some of the video recordings on the submitted compact disc, which we have indicated, contain motor vehicle record information that are excepted from disclosure under section 552.130. Because the department states it lacks the technological capability to redact such information from these video recordings, we agree the department must withhold the recordings we have indicated in their entireties under section 552.130 of the Government Code. *See Open Records Decision No. 364 (1983).*

²This ruling does not affect an individual’s right of access to a patient’s EMS records from the EMS provider. *See Health & Safety Code §§ 773.092, .093; cf. Abbott v. Tex. State Bd. of Pharmacy*, No. 03-11-00481-CV, 2012 WL 5974080 (Tex. App.—Austin Nov. 21, 2012, no pet.) (Medical Practice Act does not provide patient general right of access to his or her medical records from governmental body responding to request for information under Public Information Act).

Section 552.147(a) of the Government Code excepts the social security number of a living individual from public disclosure. *See* Gov't Code § 552.147. You inform us, and we agree, the remaining video recording on the submitted compact disc contains a social security number of a living person. Because the department also states it does not possess the technological capability to redact this information from this video recording, we agree the department may withhold the remaining video recording we have indicated in its entirety under section 552.147 of the Government Code. *See* ORD 364.

In summary, with the exception of information subject to section 773.091(g), the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 773.091(b) of the Health and Safety Code. The department must withhold the video recordings we have indicated in their entireties under section 552.130. The department may withhold the remaining video recording we have indicated in its entirety under section 552.147.

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,



Kathleen J. Santos
Assistant Attorney General
Open Records Division

KJS/som

Ref: ID# 479984

Enc. Submitted documents

c: Requestor
(w/o enclosures)