



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 7, 2013

Ms. Thao La
Senior Attorney
Parkland Health and Hospital System
5201 Harry Hines Boulevard
Dallas, Texas 75235

OR2013-07516

Dear Ms. La:

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# 485014 (DCHD Request No. 13-29).

The Dallas County Hospital District d/b/a Parkland Health & Hospital System (the "district") received a request for information involving Parkland that references two named individuals; Purple Strategies, which is a media relations firm; or Holland & Knight, which is a federal advocacy consulting firm; excluding any "personally identifiable information."¹ The district states it will release some of the requested information but claims the submitted information is excepted from disclosure under sections 552.101, 552.107, and 552.111 of the Government Code. We have considered the claimed exceptions and reviewed the submitted representative sample of information.² We have also considered comments submitted by a

¹The district sought clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

²We 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). Thus, we only address your arguments to withhold the information in these specific exhibits. 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.

representative of the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

You acknowledge the requestor has excluded patient identifying information from his request. Thus, such information in the submitted documents is not responsive to the request for information. We note some of the remaining information is also not responsive to the request for information because it was created after the district received the request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release any nonresponsive information in response to this request.³ *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed).

Next, you inform us some of the requested information, a representative sample of which you have submitted as Exhibit C2.2, was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2012-18535 (2012). In Open Records Letter No. 2012-18535, we determined the following: the district (1) may withhold some information under section 552.107(1) of the Government Code but may not withhold related nonprivileged communications and attachments if they are maintained by the district separate and apart from the otherwise privileged e-mail strings in which they appear; (2) may withhold some information under section 552.111 of the Government Code; (3) must withhold e-mail addresses under section 552.137 of the Government Code, unless they are excluded by subsection (c) or the owners consent to their disclosure; and (4) must release the remaining information. We have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, to the extent the information responsive to the current request is identical to the information previously requested and ruled upon by this office, we conclude the district must continue to rely on Open Records Letter No. 2012-18535 as a previous determination and withhold or release the information in accordance with that ruling. To the extent the submitted information is not subject to Open Records Letter No. 2012-18535, we will address your arguments against disclosure.

We next note some of the information at issue is subject to section 552.022(a)(3) of the Government Code, which reads as follows:

Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

³As our ruling is dispositive, we do not address your other arguments to withhold this information.

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]

Gov't Code § 552.022(a)(3). You assert this information is excepted from release under sections 552.101 and 552.107(1) of the Government Code. Section 552.107(1) is discretionary and does not make information confidential under the Act. *See* Open Records Decision No. 676 at 10-11 (2002) (attorney-client privilege under section 552.107(1) may be waived); *see also* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Therefore, the district may not withhold the information subject to section 552.022 under section 552.107(1). However, section 552.101 of the Government Code makes information confidential under the Act. In addition, the Texas Supreme Court has held the Texas Rules of Evidence are "other law" that make information expressly confidential for the purposes of section 552.022. *In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). Therefore, we will consider your assertion of section 552.101 and the attorney-client privilege under Texas Rule of Evidence 503 for the information subject to section 552.022.

Rule 503(b)(1) provides the following:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

(A) between the client or a representative of the client and the client's lawyer or a representative of the lawyer;

(B) between the lawyer and the lawyer's representative;

(C) by the client or a representative of the client, or the client's lawyer or a representative of the lawyer, to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;

(D) between representatives of the client or between the client and a representative of the client; or

(E) among lawyers and their representatives representing the same client.

Tex. R. Evid. 503(b)(1). A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5).

Accordingly, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must do the following: (1) show the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show the communication is confidential by explaining it was not intended to be disclosed to third persons and it was made in furtherance of the rendition of professional legal services to the client. *See* ORD 676. Upon a demonstration of all three factors, the entire communication is confidential under rule 503 provided the client has not waived the privilege or the communication does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein); *In re Valero Energy Corp.*, 973 S.W.2d 453, 457 (Tex. App.—Houston [14th Dist.] 1998, orig. proceeding) (privilege attaches to complete communication, including factual information).

You state the information subject to section 552.022 was communicated between attorneys and consultants for the district. You state these communications were made for the purpose of facilitating the rendition of professional legal services or legal guidance to the district. You assert these communications were confidential, and you state the district has not waived the confidentiality of the information at issue. Having considered your representations and reviewed the information at issue, we find you have established the submitted information subject to section 552.022 constitutes privileged attorney-client communications that the district may withhold under rule 503.⁴

Section 552.107(1) of the Government Code also protects information that comes within the attorney-client privilege. The elements of the privilege under section 552.107(1) are the same as those discussed for rule 503. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. *See* ORD 676 at 6-7. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie*, 922 S.W.2d at 923.

You state the remaining responsive documents you seek to withhold under section 552.107 consist of communications between and among attorneys for the district, consultants for the district, and a representative of the University of Texas Southwestern Medical Center (“UTSW”). You have submitted a master affiliation agreement between the district and UTSW, as well as contracts between the district and the consultants at issue, demonstrating the parties share a common interest in the matters at issue. Thus, you assert the district shares a common interest with the consultants at issue and UTSW concerning the legal matters at issue in these communications. *See* TEX. R. EVID. 503(b)(1)(c); *In re Monsanto*, 998 S.W.2d 917, 922 (Tex. App.—Waco 1999, orig. proceeding) (discussing

⁴As our ruling is dispositive, we do not address your other argument to withhold this information.

the “joint-defense” privilege incorporated by rule 503(b)(1)(C)). You state these communications were made for the purpose of facilitating the rendition of professional legal services or legal guidance to the district. You assert these communications were confidential, and you state the district has not waived the confidentiality of the information at issue. Based on your representations and our review, we find you have demonstrated the applicability of the attorney-client privilege to most of the responsive information in exhibits C1.1, C2.4, ExhC1 In House Atty, and ExhC1 Outside counsels. However, upon review, we find you have not established some of the information you seek to withhold in these exhibits consists of privileged attorney-client communications. Therefore, with the exception of the marked representative sample of information not subject to the attorney-client privilege, the district may generally withhold the information in exhibits C1.1, C2.4, ExhC1 In House Atty, and ExhC1 Outside counsels under section 552.107(1). We note some of these privileged attorney-client communications are also located in the remaining exhibits for which the district did not specifically claim the privilege. Thus, the district may also withhold under section 552.107(1) the identical information excepted from release under the attorney-client privilege where it is located in the remaining exhibits.⁵

We note some of the e-mail strings subject to the attorney-client privilege include e-mails that were received from or sent to individuals whom you have not established are privileged parties. Some of these e-mails, if they are removed from the privileged e-mail strings and stand alone, are responsive to the instant requests for information. Therefore, if these nonprivileged e-mails, a representative sample of which we have marked, are maintained by the district separate and apart from the otherwise privileged e-mail strings in which they appear, then the district may not withhold them under section 552.107(1) of the Government Code. In that situation, we address your other arguments to withhold the nonprivileged e-mails, as well as the remaining information at issue.

Next, we address your argument under section 552.111 of the Government Code for the remaining responsive information at issue. Section 552.111 excepts from disclosure “an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.” Gov’t Code § 552.111. This exception encompasses the deliberative process privilege. *See* Open Records Decision No. 615 at 2 (1993). The purpose of section 552.111 is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process. *See Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, no writ); *see also* Open Records Decision No. 538 at 1-2 (1990).

In Open Records Decision No. 615, this office re-examined the statutory predecessor to section 552.111 in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ). We determined that section 552.111 excepts only those internal communications that consist of advice, opinions,

⁵As our ruling is dispositive, we do not address your other arguments to withhold this information.

recommendations and other material reflecting the policymaking processes of the governmental body. *See* ORD 615 at 5. A governmental body's policymaking functions do not encompass routine internal administrative or personnel matters, and disclosure of information about such matters will not inhibit free discussion of policy issues among agency personnel. *See id.*; *see also City of Garland v. The Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000) (section 552.111 not applicable to personnel-related communications that did not involve policymaking). A governmental body's policymaking functions do include administrative and personnel matters of broad scope that affect the governmental body's policy mission. *See* Open Records Decision No. 631 at 3 (1995). Further, section 552.111 does not protect facts and written observations of facts and events that are severable from advice, opinions, and recommendations. *See* ORD 615 at 5. But, if factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make severance of the factual data impractical, the factual information also may be withheld under section 552.111. *See* Open Records Decision No. 313 at 3 (1982).

This office has also concluded that a preliminary draft of a document that is intended for public release in its final form necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document, so as to be excepted from disclosure under section 552.111. *See* Open Records Decision No. 559 at 2 (1990) (applying statutory predecessor of section 552.111). Section 552.111 protects factual information in the draft that also will be included in the final version of the document. *See id.* at 2-3. Thus, section 552.111 encompasses the entire contents, including comments, underlining, deletions, and proofreading marks, of a preliminary draft of a policymaking document that will be released to the public in its final form. *See id.* at 2.

Section 552.111 can also encompass communications between a governmental body and a third-party, including a consultant or other party with a privity of interest. *See* Open Records Decision No. 561 at 9 (1990) (section 552.111 encompasses communications with party with which governmental body has privity of interest or common deliberative process). For section 552.111 to apply, the governmental body must identify the third party and explain the nature of its relationship with the governmental body. Section 552.111 is not applicable to a communication between the governmental body and a third party unless the governmental body establishes it has a privity of interest or common deliberative process with the third party. *See id.*

You raise section 552.111 of the Government Code for the remaining responsive information. You state these documents consist of communications between attorneys and consultants for the district, officials from the Dallas County Commissioners Court, and representatives of UTSW. You inform us "[t]he Dallas County Commissioners Court is a Texas governmental entity, who not only approves the budget for [the district] but also appoints the [district's board]." Thus, we find you have demonstrated the district shares a common deliberative process with the Dallas County Commissioners Court, as well as with UTSW, as discussed above. You state the communications at issue relate to policymaking matters. You also inform us some of the information you have marked consists of drafts that

have been released in their final form. Based on your representations and our review, we find the district has established the deliberative process privilege is applicable to some of the information in exhibits C2.3, C2.4, and ExhC2 Holland & Knight, which we have marked. Thus, the district may withhold this information under section 552.111 of the Government Code. We find the district has also established the deliberative process privilege is applicable to some of the remaining responsive information in exhibit ExhC2 Purple Strategies. Therefore, the district may withhold this information, a representative sample of which we have marked, under section 552.111 of the Government Code. However, some of the remaining information at issue includes communications with third parties whom you have not identified. You have not explained the nature of the relationship between the remaining third parties and the district. Thus, you have not established the district shares a privity of interest with these third parties. Furthermore, we find the remaining information at issue to be general administrative information or purely factual in nature. Therefore, you have not demonstrated the remaining information at issue consists of internal communications involving advice, opinion, or recommendations pertaining to policymaking. Consequently, the district may not withhold any of the remaining information at issue under section 552.111 of the Government Code.

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 section encompasses information protected by other statutes, including section 181.006 of the Health and Safety Code. Section 181.006 states, “For a covered entity that is a governmental unit, an individual’s protected health information . . . is not public information and is not subject to disclosure under [the Act].” Health & Safety Code § 181.006. Section 181.001(b)(2) defines “[c]overed entity,” in part, as meaning

any person who:

(A) for commercial, financial, or professional gain, monetary fees, or dues, or on a cooperative, nonprofit, or pro bono basis, engages, in whole or in part, and with real or constructive knowledge, in the practice of assembling, collecting, analyzing, using, evaluating, storing, or transmitting protected health information. The term includes a business associate, health care payer, governmental unit, information or computer management entity, school, health researcher, health care facility, clinic, health care provider, or person who maintains an Internet site[.]

Id. § 181.001(b)(2)(A).

You contend the district is a covered entity for purposes of section 181.006. In order to determine whether the district is a covered entity for purposes of section 181.006, we must consider whether the district engages in the practice of assembling, collecting, analyzing, using, evaluating, storing or transmitting protected health information. *See id.* § 181.001(b)(2)(A). Section 181.001 states “[u]nless otherwise defined in [chapter 181 of

the Health and Safety Code], each term that is used in [chapter 181] has the meaning assigned by the Health Insurance Portability and Accountability Act and Privacy Standards [“HIPAA”].” *Id.* § 181.001(a). Accordingly, as chapter 181 does not define “protected health information,” we turn to HIPAA’s definition of the term. HIPAA defines “protected health information” as individually identifiable health information that is transmitted or maintained in electronic media or any other form or medium. *See* 45 C.F.R. § 160.103. HIPAA defines “individually identifiable health information” as information that is a subset of health information, including demographic information collected from an individual, and:

(1) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and

(2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and

(i) That identifies the individual; or

(ii) With respect to which there is a reasonable basis to believe the information can be used to identify the individual[.]

Id. You inform us some of the responsive information identifies individuals who were patients of the district. You argue, “any information or documentation relating to a patient’s health care services . . . , regardless of whether the information identifies a patient, is not public information and not subject to disclosure as a matter of law.” [emphasis in original] You also assert, “even though the Requestor is not asking for patient-identifying information, the remaining non-identifying patient information should additionally be withheld under [section] 181.006.” Nevertheless, as noted above, you acknowledge the requestor has excluded patient identifying information from his request. Thus, we are unable to determine how the remaining de-identified responsive information consists of individually identifiable health information for purposes of section 160.103 of title 45 of the Code of Federal Regulations. Accordingly, we find you have failed to demonstrate how the remaining responsive information constitutes protected health information for purposes of section 181.006 of the Health and Safety Code. Consequently, with respect to the remaining responsive information, we conclude the district is not a health care entity that is in the practice of collecting, assembling, using, and storing protected health information. Therefore, we find the remaining responsive information is not confidential under section 181.006 and the district may not withhold it from release on that basis under section 552.101.

We also understand you to assert the remaining responsive information is confidential under chapter 159 of the Occupations Code and chapters 181, 241, 576, 611, and 773 of the Health and Safety Code because it contains “patient information.” However, you have not provided

arguments explaining the applicability of any of these chapters to the remaining responsive information. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). Thus, we conclude you have not established any of the remaining information at issue is confidential under those chapters and the district may not withhold the information from release under section 552.101 on any of those grounds.

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy, which protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). The types of information considered intimate or embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. This office has found the following types of information are excepted from required public disclosure under common-law privacy: some kinds of medical information or information indicating disabilities or specific illnesses, *see* Open Records Decision Nos. 470 (1987) (illness from severe emotional and job-related stress), 455 (1987) (prescription drugs, illnesses, operations, and physical handicaps); and identities of victims of sexual abuse, *see Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.—El Paso 1992, writ denied) (identity of witnesses to and victims of sexual harassment was highly intimate or embarrassing information and public did not have a legitimate interest in such information); Open Records Decision Nos. 440 (1986), 393 (1983), 339 (1982). Some of the submitted information is highly intimate or embarrassing and is not of legitimate concern to the public. Therefore, the district must withhold this information, a representative sample of which we have marked, under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.117 of the Government Code may be applicable to some of the submitted information.⁶ Section 552.117(a)(1) excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Section 552.117 also encompasses a personal cellular telephone number, provided that a governmental body does not pay for the cellular phone service. *See* Open Records Decision No. 506 at 5-6 (1988) (section 552.117 not applicable to cellular telephone numbers paid for by governmental body and intended for official use). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under

⁶The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987).

section 552.117(a)(1) only on behalf of a current or former official or employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information.

We have marked a representative sample of information, including cellular telephone numbers, that pertains to individuals who may be employees of the district. Thus, we must rule conditionally. The district must withhold this information under section 552.117(a)(1) if the information pertains to individuals who are current or former employees of the district and who timely elected to withhold that information under section 552.024 of the Government Code; however, the district may only withhold the marked cellular telephone numbers if they were not paid for by a governmental body. The district may not withhold this information if the individuals at issue are not current or former employees of the district or did not timely elect to withhold that information under section 552.024.

Some of the remaining information is excepted from disclosure under section 552.130 of the Government Code. Section 552.130(a) provides the following:

Information is excepted from the requirements of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
- (2) a motor vehicle title or registration issued by an agency of this state or another state or country; or
- (3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

Gov't Code § 552.130(a). The district must withhold the motor vehicle record information in the remaining information, a representative sample of which we have marked, under section 552.130 of the Government Code.

The remaining information contains e-mail addresses of members of the public. Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). Section 552.137 does not apply to a government employee's work e-mail address because such an address is not that of the employee as a "member of the public," but is instead the address of the individual as a government employee. The e-mail addresses at issue do not appear to be of a type specifically excluded by section 552.137(c). You do not inform us a member of the public has affirmatively consented to the release of any e-mail

address contained in the submitted materials. Therefore, the district must withhold the e-mail addresses in the remaining information, a representative sample of which we have marked, under section 552.137.⁷

Finally, we note some of the materials at issue may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

To conclude, the district is not required to release any of the submitted information that is not responsive to the request for information. To the extent the information in the current request is identical to the information previously requested and ruled upon by this office, the district must continue to rely on Open Records Letter No. 2012-18535 as a previous determination and withhold or release the information in accordance with that ruling. The district may withhold under Texas Rule of Evidence 503 the information that is subject to section 552.022(a)(3). With the exception of the information that is not subject to the attorney-client privilege, a representative sample of which we have marked for release, the district may withhold the remaining responsive information in exhibits C1.1, C2.4, ExhC1 In House Atty, and ExhC1 Outside counsels; however, the district may not withhold the nonprivileged e-mails within these communications, a representative sample of which we have marked, under section 552.107(1) if they are maintained by the district separate and apart from the otherwise privileged e-mail strings in which they appear. The district may withhold the information we have marked in exhibits C2.3, C2.4, and ExhC2 Holland & Knight under section 552.111 of the Government Code. The district may also withhold the information subject to the deliberative process privilege in exhibit ExhC2 Purple Strategies, a representative sample of which we have marked, under section 552.111 of the Government Code. We have marked a representative sample of information in the remaining documents that the district must withhold on the following grounds: (1) section 552.101 of the Government Code in conjunction with common-law privacy; (2) section 552.117(a)(1) of the Government Code if it pertains to district employees who timely elected to withhold that information; however, the district may only withhold the marked cellular telephone numbers if they were not paid for by a governmental body; and (3) sections 552.130 and 552.137 of

⁷We note the information being released contains an e-mail address to which the requestor has a right of access under section 552.137(b) of the Government Code. See Gov't Code § 552.137(b). However, Open Records Decision No. 684 (2009) is a previous determination authorizing all governmental bodies to withhold specific categories of information without the necessity of requesting an attorney general decision, including e-mail addresses of members of the public under section 552.137 of the Government Code. Thus, if the district receives another request for this same information from a person who does not have a right of access to it, Open Records Decision No. 684 authorizes the district to redact the requestor's e-mail address without the necessity of requesting an attorney general decision.

the Government Code. The district must release the remaining responsive information, but may only release any copyrighted information in accordance with copyright law.⁸

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tch

Ref: ID# 485014

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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⁸We note the submitted information contains a social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.