



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 23, 2013

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

OR2013-12642

Dear Mr. Galindo:

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# 493998 (PIR No. 13-36172).

The Office of the Attorney General (the "OAG") received a request for the independent review of the requestor's crime victim's compensation claim. The OAG asserts the information is exempted from disclosure under section 552.101 of the Government Code. We have considered the OAG's claimed exception to disclosure and have reviewed the submitted information.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 611.002 of the Health and Safety Code, which governs the public availability of mental health records and provides:

(a) Communications between a patient and a professional, and records of the identity, diagnosis, evaluation, or treatment of a patient that are created or maintained by a professional, are confidential.

Health & Safety Code § 611.002(a). For purposes of chapter 611, “patient” means a person who is interviewed by a professional for diagnosis or evaluation of any mental or emotional condition or disorder. *Id.* § 611.001(1) (defining “patient”). “Professional” means a person authorized to practice medicine in any state. *Id.* § 611.001(2)(A) (defining “professional”). Upon review, we find the information consists of a record of the identity, diagnosis, evaluation, or treatment of a patient that is created by a professional. Therefore, the OAG must withhold the information under section 552.101 in conjunction with section 611.002 of the Health and Safety 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 493998

Enc: Submitted documents

c: Requestor
(w/o enclosures)