



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 7, 2013

Mr. Brett Norbraten
Open Records Attorney
Texas Department of Aging and Disability Services
P.O. Box 149030
Austin, Texas 78714

OR2013-17380

Dear Mr. Norbraten:

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# 501437 (DADS #2013SOLEG0124).

The Texas Department of Aging and Disability Services (the "department") received a request for any photos or videos associated with the substantiated findings of abuse and/or neglect related to certain cases. You claim the submitted 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 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, such as section 595.001 of the Health and Safety Code, which reads as follows:

Records of the identity, diagnosis, evaluation, or treatment of a person that are maintained in connection with the performance of a program or activity relating to mental retardation are confidential and may be disclosed only for the purposes and under the circumstances authorized under Sections 595.003 and 595.004 [of the Health and Safety Code].

Health & Safety Code § 595.001. You state the submitted information pertains to the identity, diagnosis, evaluation, or treatment of clients of State-Supported Living Centers, which constitute mental retardation programs. You also assert the release provisions set forth in sections 595.003 and 595.004 are inapplicable here. Based on your representations and our review, we agree the submitted information is confidential under section 595.001. Therefore, the department must withhold the submitted information under section 552.101 in conjunction with section 595.001 of the Health and Safety Code. As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

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,



Thana Hussaini
Assistant Attorney General
Open Records Division

TH/akg

Ref: ID# 501437

Enc. Submitted documents

c: Requestor
(w/o enclosures)