



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 17, 2014

Ms. Heather Silver  
Assistant City Attorney  
Office of the City Attorney  
City of Dallas  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2014-01146

Dear Ms. Silver:

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# 511360.

The City of Dallas (the "city") received a request from an investigator with the Texas Department of State Health Services ("DSHS") for information pertaining to a complaint that was received by DSHS. You state the city has released some of the responsive information. 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 exception encompasses information made confidential by other statutes, such as section 773.091 of the Health and Safety Code, which provides in relevant part:

(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(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 agree the submitted information constitutes records of the identity, evaluation, or treatment of a patient by EMS personnel. However, we note records that are confidential under this section may be disclosed to “governmental agencies if the disclosure is required or authorized by law[.]” *See id.* § 773.092(e)(2).

The requestor in this instance is an investigator with DSHS. The requestor has informed the city that DSHS seeks the requested information as part of an investigation DSHS is conducting pursuant to chapter 773 of the Health and Safety Code. Section 773.0612 of the Health and Safety Code provides DSHS or its representative “is entitled to access to records and other documents . . . that are directly related to patient care or to emergency medical services personnel to the extent necessary to enforce [chapter 773 of the Health and Safety Code] and the rules adopted under [chapter 773 of the Health and Safety Code].” *Id.* § 773.0612(a). The submitted information consists of the requested patient care report and, thus, directly relates to patient care for purposes of section 773.0612(a). Because the submitted information is directly related to patient care and the requestor is conducting an investigation under chapter 773, we conclude section 773.0612 of the Health and Safety Code applies to the submitted information. Accordingly, we find the requestor has a statutory right of access to the information under section 773.0612(a) of the Health and Safety Code. Therefore, the city may not withhold this information from the requestor pursuant to section 552.101 in conjunction with section 773.091 of the Health and Safety Code. *See id.* § 773.092(e)(2). Consequently, pursuant to section 773.0612(a), the city must release the submitted information to the requestor.<sup>1</sup>

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.

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<sup>1</sup>We note that information obtained by DSHS pursuant to section 773.0612(a) is confidential in the hands of DSHS. *See* Health and Safety Code § 773.0612(b). We further note that because the requestor has a special right of access to this information in this instance, the city must again seek a decision from this office if it receives another request for the same information from another requestor.

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](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,



Lana L. Freeman  
Assistant Attorney General  
Open Records Division

LLF/bhf

Ref: ID# 511360

Enc. Submitted documents

c: Requestor  
(w/o enclosures)