



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 27, 2014

Mr. Brett Norbraten
Open Records Attorney
Texas Department of Aging and Disability Services
P.O. Box 149030
Austin, Texas 78714-9030

OR2014-11069

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# 527258 (DADS No. 2014SOLEG0057).

The Texas Department of Aging and Disability Services (the "department") received a request for specified video recordings, the staff members on duty on a specified date, and those staff members' assignments on that specified date at the Denton State Supported Living Center. 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.

Initially, we note you have only submitted the requested video recordings. You have not submitted information responsive to the remainder of the request for information. We assume, to the extent any information responsive to the first two categories of requested information existed on the date the department received the request, the department has released it. If the department has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.006, .301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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. Section 552.101 encompasses section 595.001 of the Health and Safety Code, which provides:

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 consists of video recordings from a State-Supported Living Center. You contend these recordings reveal the identities of individuals who receive treatment at the center, which we understand is a mental retardation program. Although you state the requestor is the guardian of one of the individuals in the submitted recordings, you inform us the department does not have the technological capability to redact images of individuals other than the individual at issue. Based on your representations and our review, we agree the submitted information is confidential under section 595.001 of the Health and Safety Code. Accordingly, we conclude the department must withhold the submitted video recordings in their entirety under section 552.101 of the Government Code in conjunction with section 595.001 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,

A handwritten signature in black ink that reads "Megan G. Holloway". The signature is written in a cursive style with a large, looping flourish at the end.

Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/akg

Ref: ID# 527258

Enc. Submitted documents

c: Requestor
(w/o enclosures)