



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 11, 2014

Mr. Bryan D. Snoddy
General Counsel
Texas Board of Chiropractic Examiners
333 Guadalupe, Suite 3-825
Austin, Texas 78701-3942

OR2014-11955

Dear Mr. Snoddy:

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# 528790.

The Texas Board of Chiropractic Examiners (the "board") received a request for records pertaining to a named individual and a specified facility. You state the board has released some responsive information to the requestor. We understand you have redacted social security numbers under section 552.147(b) of the Government Code.¹ Based upon your arguments, we also understand you to claim the information submitted as Exhibit B is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 201.2016 of the Occupations Code. We have considered your claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes, including section 201.206 of the Occupations Code which provides, in part, the following:

¹Section 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. Gov't Code § 552.147(b).

(a) The board's investigation files are confidential, privileged, and not subject to discovery, subpoena, or any other means of legal compulsion for release other than to the board or an employee or agent of the board.

...

(d) Notwithstanding Subsection (a), the board may:

(1) disclose a complaint to the affected license holder; and

(2) provide to a complainant the license holder's response to the complaint, if providing the response is considered by the board to be necessary to investigate the complaint.

Occ. Code § 201.206(a), (d). Section 201.206 applies to all investigations pending or filed on or after September 1, 2003. *See* Act of May 9, 2003, 78th Leg., R.S., ch. 329, § 7(b), 2003 Tex. Gen. Laws 1405, 1407. The submitted information reveals the investigation file at issue was opened after September 1, 2003. We understand this investigation file concerns a complaint about a chiropractor licensed by the board and is maintained by the board pursuant to section 201.204. *See* Occ. Code § 201.204 (setting forth the board's record keeping requirements with respect to complaints filed with the board). Thus, we find the information in Exhibit B is part of the board's investigation file and section 201.206 governs release of this information. We have no indication the requestor is entitled to any of the information at issue under section 201.206(d). Therefore, the board must withhold the submitted information in Exhibit B under section 552.101 of the Government Code in conjunction with section 201.206 of the Occupations Code.

The remaining documents contain information subject to section 552.130 of the Government Code. Section 552.130 provides information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a)(1). Upon review, we find the board must withhold the driver's license information you have marked, and the additional information we have marked, in the remaining records under section 552.130 of the Government Code.

In summary, the board must withhold the submitted information in Exhibit B under section 552.101 of the Government Code in conjunction with section 201.206 of the Occupations Code. The board must withhold the driver's license information you have marked, and the additional information we have marked, in the remaining records under section 552.130 of the Government Code. The board must release the remaining 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 528790

Enc. Submitted documents

c: Requestor
(w/o enclosures)