



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 16, 2014

Ms. Leigh M. Heidenreich
Public Information Officer
Texas Forensic Science Commission
1700 North Congress Avenue, Suite 445
Austin, Texas 78701

OR2014-16371

Dear Ms. Heidenreich:

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# 536229.

The Texas Forensic Science Commission (the "commission") received three requests for information pertaining to Integrated Forensic Laboratories, L.L.C. ("IFL"). The commission claims the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions the commission claims 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. Section 552.101 encompasses information protected by other statutes, such as section 10 of article 38.01 of the Code of Criminal Procedure, which provides the following:

Information that is filed as part of an allegation of professional misconduct or professional negligence or that is obtained during an investigation of an allegation of professional misconduct or professional negligence is not subject to release under [the Act], until the conclusion of an investigation by the commission under Section 4.

Crim. Proc. Code art. 38.01, § 10. The commission contends the submitted information is excepted from disclosure under section 10. The commission is responsible for investigating

allegations of professional misconduct or professional negligence that would substantially affect the integrity of the results of forensic analyses at crime laboratories. *See id.* § 4(a)(3). The submitted information consists of documents submitted to the commission pertaining to two reported incidents of professional misconduct or professional negligence involving IFL employees. The commission states it is in the process of determining to what extent these incidents should be further investigated. Based on the commission's representations and our review, we find the submitted information is subject to section 10. Therefore, the commission must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 10 of article 38.01 of the Code of Criminal Procedure.¹

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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 536229

Enc. Submitted documents

c: Requestors
(w/o enclosures)

¹As our ruling is dispositive, we need not address the commission's remaining argument against disclosure.