



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 28, 2016

Ms. June B. Harden
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2016-09562

Dear Ms. Harden:

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# 607678 (PIR No. 16-43415).

The Office of the Attorney General (the "OAG") received a request for the medical records of a named individual. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.132 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹ We have also received and considered comments on behalf of the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

In this instance, the requestor submits a release form signed by the victim at issue and asserts the submitted information should be released to him. However, the OAG states it contacted the victim's attorney and the victim does not authorize the release of her information to the requestor. Whether the victim has authorized the requestor to receive her information is a

¹We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

question of fact this office is unable to resolve in the opinion process. In such a situation, we must rely upon the facts alleged to us by the governmental body requesting our opinion or upon those facts that are discernible from the documents submitted for our inspection. Based on the OAG's representation the victim does consent to the release of her information to the requestor, we conclude the requestor does not have a special right of access to the submitted information.

Section 552.132 of the Government Code provides in pertinent part as follows:

(a) . . . , in this section, "crime victim or claimant" means a victim or claimant under Subchapter B, Chapter 56, Code of Criminal Procedure, who has filed an application for compensation under that subchapter.

(b) The following information held by the crime victim's compensation division of the attorney general's office is confidential:

(1) the name, social security number, address, or telephone number of a crime victim or claimant; or

(2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

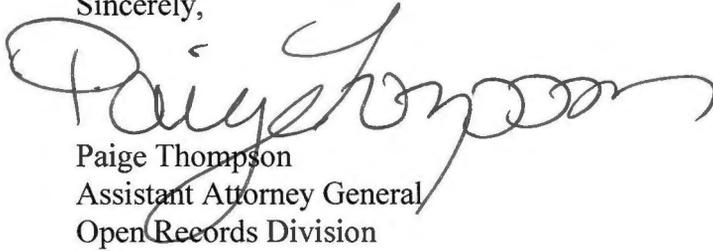
Id. § 552.132(a), (b). Thus, section 552.132 protects a crime victim's or claimant's identifying information. Section 552.132(c) requires release of the crime victim's or claimant's name and the amount of compensation awarded. *Id.* § 552.132(c). The submitted information demonstrates the named individual was awarded compensation. Accordingly, the OAG must release the information subject to section 552.132(c). As for the remaining information, generally, the OAG would only be allowed to withhold the victim's identifying information from public disclosure. However, because the requestor knows the victim's identity, withholding only the identifying information would not effectuate the purpose of the statute. Thus, we conclude, with the exception of the information subject to section 552.132(c) of the Government Code, the submitted information is confidential pursuant to section 552.132 of the Government Code, and the OAG must withhold the submitted information on that basis.²

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.

²As our ruling is dispositive, we need not address your remaining argument against disclosure of the information at issue.

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, appearing to read "Paige Thompson". The signature is fluid and cursive, with a large initial "P".

Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 607678

Enc. Submitted documents

c: Requestor
(w/o enclosures)