



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 9, 2016

Mr. Timothy E. Bray
Deputy General Counsel
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2016-10552

Dear Mr. Bray:

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# 609272 (OGC# 25495/2016).

The Texas Department of State Health Services (the "department") received a request for information pertaining to a named individual during a specified period of time. The department claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 576.005 of the Health and Safety Code which provides that "[r]ecords of a mental health facility that directly or indirectly identify a present, former, or proposed patient are confidential unless disclosure is permitted by other state law." Health & Safety Code § 576.005. You state the hospital is a mental health facility as defined by chapter 571. *See id.* § 571.003 (12). You state the requested information constitutes records of a mental health facility that would directly or indirectly identify a patient of the facility. Upon review, we find the confidentiality provision of section 576.005 applies to the information at issue. You state there is no exception in state law that would permit disclosure of this information in this instance. We, therefore, conclude the department must

withhold the requested information under section 552.101 of the Government Code in conjunction with section 576.005 of the Health and Safety Code.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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/bw

Ref: ID# 609272

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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