



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 21, 2016

Mr. Leni Kirkman
Senior Vice President
Strategic Communications & Patient Relations
University Health System
4502 Medical Drive
San Antonio, Texas 78229

OR2016-21293

Dear Mr. Kirkman:

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# 629261.

The Bexar County Hospital District d/b/a University Health System (the "district") received a request for information pertaining to the requestor's client. The district states it will provide some of the requested information to the requestor, but claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

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. This section encompasses section 303.006 of the Occupations Code. Chapter 303 of the Occupations Code addresses the peer review of nurses. Section 303.006 protects all communications made to a nursing peer review committee and makes the

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 those records contain substantially different types of information than that submitted to this office.

committee proceedings confidential. Occ. Code § 303.006. Information protected by section 303.006 may be released only as provided in section 303.007. The district informs us the submitted information consists of materials that were created at the request of a nursing peer review committee. Thus, we find the information at issue is confidential under section 303.006 of the Occupations Code. There is no indication the provisions of section 303.007 apply to the information at issue. Therefore, the district must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 303.006 of the Occupations 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 629261

Enc. Submitted documents

c: Requestor
(w/o enclosures)