



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 7, 2016

Mr. Renatto Garcia
Assistant City Attorney
City of Corpus Christi
P. O. Box 9277
Corpus Christi, Texas 78469-9277

OR2016-24805

Dear Mr. Garcia:

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# 633361 (City File No. 926).

The City of Corpus Christi (the "city") received a request for a specified emergency services report. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim 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 section 773.091 of the Health and Safety Code, which provides, in relevant part:

(b) Records of the identity, evaluation or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

...

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex,

occupation, and city of residence of a patient who is receiving emergency medical services.

Health & Safety Code § 773.091(b), (g). Except for the information specified in section 773.091(g), emergency medical services (“EMS”) records are deemed confidential under section 773.091 and may only be released in accordance with chapter 773 of the Health and Safety Code. *See id.* §§ 773.091-.094.

Upon review, we find the submitted information consists of EMS records subject to chapter 773. Section 773.092(e)(1) of the Health and Safety Code states, however, that confidential EMS records may be disclosed to “law enforcement personnel if the [EMS] personnel, the physician providing medical supervision, or the [EMS] provider determines that there is a probability of imminent physical danger to any person or if there is a probability of immediate mental or emotional injury to the patient[.]” *Id.* § 773.092(e)(1). In this instance, the requestor is an employee with of the Nueces County Sheriff’s Office (the “sheriff’s office”). The requestor states she is seeking the information at issue as part of an investigation into a specified sheriff’s office case. Thus, if the EMS personnel, the physician providing medical supervision, or the EMS provider determines there is a probability of imminent physical danger to any person or if there is a probability of immediate mental or emotional injury to the patient, the city may release the information at issue to the requestor. Otherwise, with the exception of the information subject to section 773.091(g), which is not confidential and must be released, the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety 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,



Emily Kunst
Assistant Attorney General
Open Records Division

EK/eb

Ref: ID# 633361

Enc. Submitted documents

c: Requestor
(w/o enclosures)