



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 8, 2016

Mr. Adam Mata
Staff Attorney
Office of Workers' Compensation Counsel
Texas Department of Insurance
7551 Metro Center Drive, Suite 100
Austin, Texas 78744-1645

OR2016-03006

Dear Mr. Mata:

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# 597269 (TDI #167681).

The Texas Department of Insurance Division of Workers' Compensation (the "division") received a request for a list of division docket numbers of claims in which the claim was assigned to a named individual; wherein the named individual presided over a hearing or pre-hearing conference; or wherein the named individual issued a written decision.¹ 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 of the Government Code encompasses section 402.083 of the Labor Code, which provides "[i]nformation in or derived from a claim

¹We note the division sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

file regarding an employee is confidential and may not be disclosed by the division except as provided by this subtitle[.]” Lab. Code § 402.083(a). This office has interpreted section 402.083 to protect only that “information in or derived from a claim file that explicitly or implicitly discloses the identities of employees who file workers’ compensation claims.” Open Records Decision No. 619 at 10 (1993). However, we also have stated “[w]hether specific information implicitly discloses the identity of a particular employee must be determined on a case-by-case basis.” *Id.* Prior decisions of this office have found information revealing the date of injury, as well as an injured employee’s name, beneficiary name, commission claim number, social security number, home telephone number, home address, and date of birth implicitly or explicitly identifies claimants and is therefore excepted from disclosure under section 552.101 in conjunction with section 402.083.² You inform us the submitted docket numbers contain the division claim numbers of injured employees. You assert these claim numbers are derived from claim files and implicitly or explicitly disclose the identities of employees who have filed workers’ compensation claims. Based on your representations and our review, we find the submitted information implicitly or explicitly identifies workers’ compensation claimants. Therefore, the division must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 402.083 of the Labor 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,



Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/akg

²The “commission” refers to the predecessor agency of the division, which was established under House Bill 7, 79th Legislature, R.S. (2005).

Ref: ID# 597269

Enc. Submitted documents

c: Requestor
(w/o enclosures)