



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 10, 2016

Mr. Bryan D. Snoddy
General Counsel
Texas Board of Chiropractic Examiners
333 Guadalupe, Suite 3-825
Austin, Texas 78701-3942

OR2016-03207

Dear Mr. Snoddy:

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# 597913.

The Texas Board of Chiropractic Examiners (the "board") received a request for all files concerning two named chiropractors and the North Dallas Chiropractic Center. The board states it has released some of the requested information. The board claims the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception the board claims and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes, including section 201.206 of the Occupations Code, which provides, in part, the following:

- (a) The board's investigation files are confidential, privileged, and not subject to discovery, subpoena, or any other means of legal compulsion for release other than to the board or an employee or agent of the board.

¹ Although the board does not cite section 552.101 of the Government Code, we understand it to raise this exception based on its argument.

...

(d) Notwithstanding Subsection (a), the board may:

- (1) disclose a complaint to the affected license holder; and
- (2) provide to a complainant the license holder's response to the complaint, if providing the response is considered by the board to be necessary to investigate the complaint.

Occ. Code § 201.206(a), (d). Section 201.206 applies to all investigations pending or filed on or after September 1, 2003. *See* Act of May 9, 2003, 78th Leg., R.S., ch. 329, § 7(b), 2003 Tex. Gen. Laws 1405, 1407. The submitted information reveals the investigation files at issue were opened after September 1, 2003. We understand these investigation files concern a complaint about chiropractors licensed by the board and is maintained by the board pursuant to section 201.204. *See* Occ. Code § 201.204 (setting forth the board's record keeping requirements with respect to complaints filed with the board). Thus, we find the submitted information is part of the board's investigation file and section 201.206 governs release of this information. We have no indication the requestor is entitled to any of the information at issue under section 201.206(d). Therefore, the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 201.206 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 597913

Enc. Submitted documents

c: Requestor
(w/o enclosures)