



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 19, 2016

Ms. Lauren Studdard
Staff Attorney
Texas State Board of Dental Examiners
333 Guadalupe, Tower 3, Suite 800
Austin, Texas 78701-3942

OR2016-04025

Dear Ms. Studdard:

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# 598915.

The Texas State Board of Dental Examiners (the "board") received a request for all records submitted to or created by the board regarding the 2015 license or permit renewals of a named dentist. The board states it has released some information. The board claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the board claims 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 information made confidential by other statutes, including section 254.006 of the Occupations Code, which states:

- (a) Except as provided by this section, the investigation files and other records of the board are public records and open to inspection at reasonable times.
- (b) Investigation files and other records are confidential, except the board shall inform the license holder of the specific allegations against the license

holder. The board may share investigation files and other records with another state regulatory agency or a local, state, or federal law enforcement agency.

(c) The exception from public disclosure of investigation files and records provided by this section does not apply to the disclosure of a disciplinary action of the board, including:

- (1) the revocation or suspension of a license;
- (2) the imposition of a fine on a license holder;
- (3) the placement on probation with conditions of a license holder whose license has been suspended;
- (4) the reprimand of a license holder; or
- (5) the issuance of a warning letter to a license holder.

Occ. Code § 254.006. The board states the submitted information consists of information in the licensing files of the board. The board explains the licensing documents were compiled by the board during an investigation of an application for a license. The board states the requested information pertains to a disciplinary action of the board listed in section 254.006(c); however, the board states it provided that information to the requestor. *See id.* § 254.006(c). Based on the board's representations and our review of the information at issue, we conclude the submitted information is confidential under section 254.006(b) of the Occupations Code and must be withheld under section 552.101 of the Government 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.

¹You ask this office to issue a previous determination permitting the board to withhold investigation files and other records under section 552.101 of the Government Code in conjunction with section 254.006 of the Occupations Code. *See* Gov't Code §552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001). Please note the board may withhold investigation files and other records under section 552.101 of the Government Code in conjunction with section 254.006(b) of the Occupations Code without the necessity of requesting an attorney general decision pursuant to Open Records Letter No. 2016-03778 (2016).

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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 598915

Enc. Submitted documents

c: Requestor
(w/o enclosures)