



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 9, 2016

Mr. Chris Kloeris
Executive Director
Texas Optometry Board
333 Guadalupe Street, Suite 2-420
Austin, Texas 78701-3942

OR2016-10422

Dear Mr. Kloeris:

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# 609679.

The Texas Optometry Board (the "board") received a request for information pertaining to complaints filed against three named individuals by the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have also received comments from the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information made confidential by other statutes, such as section 351.2045(a) of the Occupations Code, which provides as follows:

- (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.

Occ. Code § 351.2045(a). You state the submitted information is contained in three investigative files of the board. Based on your representations and our review of the submitted information, we conclude the submitted information is confidential under section 351.2045(a) of the Occupations Code. You do not inform us the board is authorized to release the submitted information to this requestor.¹ *See id.* 351.2045(b)-(d). Accordingly, the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 351.2045(a) 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,



Joseph Keeney
Assistant Attorney General
Open Records Division

JDK/dls

Ref: ID# 609679

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹You state the board previously released a copy of the response of the complaint respondents to the complainant, who is the requestor, as authorized by section 351.2045(d)(2) of the Occupations Code.