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ATTORNEY GENERAL OF TEXAS

February 28, 2017

Mr. Brett Norbraten
Open Records Attorney
Texas Department of Aging and Disability Services
Mail Code W615
P.O. Box 149030
Austin, Texas 78714-9030

OR2017-04310

Dear Mr. Norbraten:

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# 647376 (Internal Ref. #2016SOLE0222).

The Texas Department of Aging and Disability Services (the "department") received a request for the level of supervision card pertaining to a named individual on a certain date. 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 595.001 of the Health and Safety Code, which provides:

Records of the identity, diagnosis, evaluation, or treatment of a person that are maintained in connection with the performance of a program or activity relating to mental retardation are confidential and may be disclosed only for the purposes and under the circumstances authorized under Sections 595.003 and 595.004 [of the Health and Safety Code].

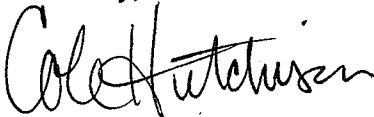
Health & Safety Code § 595.001. You state the submitted information pertains to the identity and treatment of a client of a state supported living center, which you explain constitutes an intellectual disability program in the State of Texas. Section 595.004 provides for the release of confidential records to the person to whom the records pertain, or a parent of a minor or a guardian of the person. *See id.* § 595.004. Subsection 595.005(d) provides confidential records may be disclosed without the prior written consent required in subsection 595.003 if disclosure is authorized by a court order granted upon a showing of good cause. *See id.* § 595.005(d).

You state the requestor does not have a right of access to the requested records under any of the provisions of chapter 595 of the Health and Safety Code. Having considered your representations and reviewed the submitted documents, we find the submitted information is confidential in its entirety under section 595.001 of the Health and Safety Code. Accordingly, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 595.001 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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/sb

Ref: ID# 647376

Enc. Submitted documents

c: Requestor
(w/o enclosures)