



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 1, 2017

Mr. Michael E. Jimerson
County and District Attorney
Rusk County
115 North Main, Suite 302
Henderson, Texas 75652

OR2017-20057

Dear Mr. Jimerson:

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# 674572.

The Rusk County District Attorney's Office (the "district attorney's office") received a request for all records pertaining to a named individual, including information pertaining to a specified incident. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ 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. This section encompasses information protected by other statutes, including section 531.1021 of the Government Code, which provides, in relevant part:

(g) All information and materials subpoenaed or compiled by the [OIG] in connection with an audit, inspection, or investigation or by the office of the attorney general in connection with a Medicaid fraud investigation are confidential and not subject to disclosure under [the Act], and not subject to

¹Although you do not explicitly raise section 552.101 of the Government Code, we understand you to raise this exception based on the substance of your argument.

disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the [OIG] or the attorney general or their employees or agents involved in the audit, inspection, or investigation conducted by the [OIG] or the attorney general, except that this information may be disclosed to the state auditor's office, law enforcement agencies, and other entities as permitted by other law.

(h) A person who receives information under Subsection (g) may disclose the information only in accordance with Subsection (g) and in a manner that is consistent with the authorized purpose for which the person first received the information.

Act of May 19, 2017, 85th Leg., R.S., H.B. 2379, § 2 (to be codified at Gov't Code § 531.1021(g)); Gov't Code § 531.1021(h). You state the submitted information was compiled by the OIG in connection with an investigation of the named individual concerning health and human services fraud. The information at issue indicates the OIG provided the information to the district attorney's office for use in the prosecution of the named individual. *See id.* § 531.1021(g) (OIG investigation files may be disclosed to law enforcement agencies). Based on your representations and our review, we agree the submitted information is confidential under section 531.1021(g), and the district attorney's office must withhold it under section 552.101 of the Government Code on that ground.

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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/sb

Ref: ID# 674572

Enc. Submitted documents

c: Requestor
(w/o enclosures)