



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 26, 2017

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

OR2017-22060

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# 677647 (DADS #2017SOLEG0127).

The Texas Department of Aging and Disability Services (the "department") received a request for a specified video recording. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

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

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.


relating to an intellectual disability are confidential and may be disclosed only for the purposes and under the circumstances authorized by [chapter 595 of the Health and Safety Code], subject to applicable federal and other state law.

Health & Safety Code § 595.001. You state the submitted information consists of a video recording from a state-supported living center, which we understand constitutes an intellectual disability program. You contend the recording reveals the identities of individuals who receive treatment at the center. We also understand the release provisions in sections 595.003 and 595.004 are inapplicable here. Based on your representations and our review, we agree the submitted information is confidential under section 595.001 of the Health and Safety Code. Accordingly, we conclude 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.²

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,



Melanie J. Villars
Assistant Attorney General
Open Records Division

MJV/eb

Ref: ID# 677647

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address your remaining argument against disclosure.