



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 26, 2018

Ms. Megan G. Holloway  
Staff Attorney  
Texas State Board of Pharmacy  
333 Guadalupe, Suite 3-500  
Austin, Texas 78701-3943

OR2018-01788

Dear Ms. Holloway:

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# 695373.

The Texas State Board of Pharmacy (the "board") received a request for information pertaining to a named individual. The board states it is withholding some of the requested information in accordance with Open Records Letter No. 2017-20671 (2017).<sup>1</sup> The board also states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception 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 section 555.001(d) of the Occupations Code, which reads as follows:

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<sup>1</sup>Open Records Letter No. 2017-20671 authorizes the board to withhold dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision. See Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001).


(d) Information regarding the home address or home telephone number of a person licensed under this subtitle, including a pharmacy owner, is confidential and not subject to disclosure under [the Act], but each person licensed or registered must provide the board with a business address or address of record that is subject to disclosure under [the Act.]

Occ. Code § 555.001(d). The board states the information it has marked consists of the home address of a licensed pharmacist. The board also states this information is not the business address or address of record provided to it. Based on these representations and our review, we find the board must withhold the information it has marked under section 552.101 of the Government Code in conjunction with section 555.001(d) of the Occupations Code. The board must release the remaining information.

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](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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tdw

Ref: ID# 695373

Enc. Submitted documents

c: Requestor  
(w/o enclosures)