



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 12, 2018

Ms. Elaine Crease
Legal Administrative Assistant
Texas Board of Veterinary Medical Examiners
333 Guadalupe Street, Suite 3-810
Austin, Texas 78701-3942

OR2018-03208

Dear Ms. Crease:

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# 695436.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for written statements from two veterinarians regarding a specified complaint. 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.

Initially, we note the requestor only seeks the written statements from the two veterinarians concerning the specified complaint. Thus, the portions of the submitted documents that do not consist of the written statements are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request, and the board is not required to release that information in response to the request.

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 exception encompasses information made confidential by other statutes, such as section 801.207 of the Occupations Code, which provides, in relevant part:

(b) Each complaint, investigation file and record, and other investigation report and all other investigative information in the possession of or received

or gathered by the board or the board's employees or agents relating to a license holder, an application for license, or a criminal investigation or proceeding is privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to anyone other than the board or the board's employees or agents involved in discipline of a license holder.

Occ. Code § 801.207(b). You state under the board's procedures, an investigation file is opened upon receipt of a complaint and any matters related to that complaint and subsequent investigation become part of the investigation record. You inform us the information at issue relates to a complaint filed with the board and is contained within an investigation file. Based on your representations and our review, we conclude the submitted information is confidential under section 801.207(b) of the Occupations Code, and the board must withhold it under section 552.101 of the Government Code on that basis.

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,



Patrick P. Mehaffy
Attorney
Open Records Division

PPM/tdw

Ref: ID# 695436

Enc. Submitted documents

c: Requestor
(w/o enclosures)