



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 18, 2019

Ms. Ann-Marie Sheely
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR2019-01662

Dear Ms. Sheely:

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# 746826 (ORR# 642044-1 332).

The Travis County District Attorney's Office (the "district attorney's office") received a request for information pertaining to the requestor. The district attorney's office claims the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the claimed exceptions 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. This section encompasses section 531.1021 of the Government Code, which reads, in part, as follows:

(g) All information and materials subpoenaed or compiled by the [Office of Inspector General of the Health and Human Services Commission ("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

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 those records contain substantially different types of information than that submitted to this office.

confidential and not subject to disclosure under [the Act] and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the office or the attorney general or their employees or agents involved in the audit, inspection, or investigation conducted by the office 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.

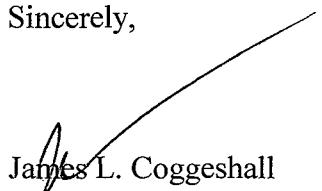
(h) A person who receives information under Subsection (g) may disclose the information only in accordance with Subsection (g) and in a manner that is consistent with the authorized purpose for which the person first received the information.

Id. § 531.1021(g), (h). The district attorney's office states the submitted information was compiled by the OIG in connection with a Medicaid fraud investigation. The district attorney's office also indicates the OIG provided the information to the district attorney's office for use in its criminal prosecution. *See id.* § 531.1021(g). Based on these representations, we agree the district attorney's office must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 531.1021(g) of the Government 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/som

²As our ruling is dispositive, we do not address the other argument of the district attorney's office to withhold this information.

Ref: ID# 746826

Enc. Submitted documents

c: Requestor
(w/o enclosures)