



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 14, 2019

Ms. Megan G. Holloway
Assistant General Counsel
Texas State Board of Pharmacy
333 Guadalupe Street, Suite 3-500
Austin, Texas 78701-3943

OR2019-07137

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# 759369 (TSBP Request No. S.2.7.19).

The Texas State Board of Pharmacy (the "board") received a request for Texas Prescription Monitoring Program information pertaining to the requestor. The board claims the requested 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 481.076(a) of the Health and Safety Code, which provides, "[t]he board may not permit any person to have access to information submitted to the board under Section 481.074(q) or 481.075 except" certain enumerated individuals and entities for purposes specified in the statute. Health and Safety Code § 481.076(a); *see id.* §§ 481.074(q) (requiring dispensing pharmacists to send certain prescription information to board within specified period of time), 481.075(i)(3) (same). The board informs us the requested information was submitted to it under section 481.074(q) "and/or" section 481.075. The board also states the requestor is not entitled to access to the information at issue under section 481.076. Based on these representations, we agree the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 481.076(a) of the Health and Safety Code.

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,

A handwritten signature in black ink, appearing to read "Amy Shipp", written in a cursive style.

Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/jxd

Ref: ID# 759369

Enc. Submitted documents

c: Requestor
(w/o enclosures)