



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 15, 2019

Ms. Lauren Studdard  
Assistant General Counsel  
Texas State Board of Dental Examiners  
333 Guadalupe, Tower 3, Suite 800  
Austin, Texas 78701-3942

OR2019-28932

Dear Ms. Studdard:

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# 791363.

The State Board of Dental Examiners (the "board") received a request for four categories of information pertaining to licensed dentists, including home addresses. The board claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the board claims and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, we note some of the submitted addresses may not consist of the home addresses of licensed dentists. To the extent the submitted addresses are not home addresses of licensed dentists, such information is not responsive to the request. This ruling does not address the public availability of the non-responsive information, and the board need not release it in response to this 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

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<sup>1</sup> We assume that 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.

Code § 552.101. Section 552.101 encompasses section 254.006 of the Occupations Code, which provides as follows:

(a) Except as provided by this section, the investigation files and other records of the board are public records and open to public inspection at reasonable times.

(b) Investigation files and other records are confidential, except the board shall inform the license holder of the specific allegations against the license holder. The board may share investigation files and other records with another state regulatory agency or a local, state, or federal law enforcement agency.

(c) The exception from public disclosure of investigation files and records provided by this section does not apply to the disclosure of a disciplinary action of the board, including:

- (1) the revocation or suspension of a license;
- (2) the imposition of a fine on a license holder;
- (3) the placement on probation with conditions of a license holder whose license has been suspended;
- (4) the reprimand of a license holder; or
- (5) the issuance of a warning letter to a license holder.

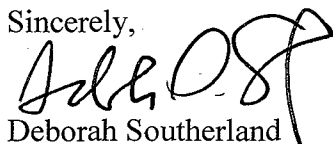
Occ. Code § 254.006. The board indicates some of the responsive information consists of certain home addresses that were collected during the investigation of license applications and that are contained in the board's licensing files. We have no indication section 254.006(c) is applicable to any of the information at issue. Therefore, the board must withhold the responsive information it marked under section 552.101 of the Government Code in conjunction with section 254.006(b) of the Occupations Code. The board must release the remaining responsive information.

The board also asks this office to issue a previous determination permitting the board to withhold non-primary addresses of licensees under section 552.101 of the Government Code in conjunction with section 254.006(b) of the Occupations Code. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Deborah Southerland  
Attorney  
Open Records Division

DS/rm

Ref: ID# 791363

Enc. Submitted documents

c: Requestor  
(w/o enclosures)