



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 6, 2019

Ms. April M. Liwanag
Assistant General Counsel
Texas Board of Nursing
333 Guadalupe Street, Suite 3-460
Austin, Texas 78701

OR2019-31308

Dear Ms. Liwanag:

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# 795652 (Ref. No. 19-35).

The Texas Board of Nursing (the "board") received a request for a list of paid consultants during a specified time period. You state you will release some information to the requestor. You claim some of the submitted information is privileged under Texas Rule of Civil Procedure 192.3. We have considered the submitted argument and reviewed the submitted information.


You argue some of the submitted information is excepted from public disclosure pursuant to Texas Rule of Civil Procedure 192.3. We note this office generally does not address discovery and evidentiary rules that may or may not be applicable to information submitted to our office by a governmental body. *See* Open Records Decision No. 416 (1984) (finding even if evidentiary rule specified that certain information may not be publicly released during trial, it would have no effect on disclosability under Act). However, the Texas Supreme Court has ruled that the Texas Rules of Civil Procedure are "other law" that make information confidential for the purposes of section 552.022. *See* Gov't Code § 552.022 (enumerating several categories of information not excepted from required disclosure unless expressly confidential under the Act or other law); *see also In re City of Georgetown*, 53 S.W.3d 328 (Tex. 2001). In this instance, the information you seek to withhold on this basis does not fall into any of the categories of information made expressly public by

section 552.022 of the Government Code. Therefore, Texas Rule of Civil Procedure 192.3 is not applicable. Accordingly, we conclude the board may not withhold any portion of the submitted information under Texas Rule of Civil Procedure 192.3. As the board raises no further exceptions against disclosure, the board must release the submitted 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 <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,

A handwritten signature in black ink, appearing to read 'Meredith E. Coffman', with a long horizontal flourish extending to the right.

Meredith E. Coffman
Assistant Attorney General
Open Records Division

MLC/gw

Ref: ID# 795652

Enc. Submitted documents

c: Requestor
(w/o enclosures)