



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 28, 2020

Ms. Yvette T. Yarbrough, J.D.
Assistant General Counsel
Texas Medical Board
P.O. Box 2018
Austin, Texas 78768-2018

OR2020-02493

Dear Ms. Yarbrough:

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# 808409 (TMB Ref. No. 30573).

The Texas Medical Board (the "board") received a request for the names, home addresses, home telephone numbers, personal e-mail addresses, work e-mail addresses, genders, and races for all board employees who have not elected confidentiality pursuant to section 552.024 of the Government Code. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the privacy interests of the employees at issue.¹ Accordingly, you state, and provide documentation showing, you notified the employees at issue of their right to submit comments to this office as to why the submitted information should not be released.² *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information.

Initially, you state, and we agree, some of the submitted information, which we have marked, is not responsive to the instant request because it relates to employees who elected confidentiality pursuant to section 552.024 of the Government Code. This ruling does not

¹ We note the board did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b), (e). Nevertheless, because the interests of third parties can provide a compelling reason to overcome the presumption of openness, we will consider whether the submitted information is excepted from disclosure. *See id.* §§ 552.007, .302, .352.

² As of the date of this letter, this office has not received comments from any third party explaining why any of the submitted information should not be released.

address the public availability of any information that is not responsive to the request and the board is not required to release such information in response to this request. As no exceptions to disclosure have been raised, the board must release the responsive 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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/jxd

Ref: ID# 808409

Enc. Submitted documents

c: Requestor
(w/o enclosures)

4 Third Parties
(w/o enclosures)