



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 14, 2020

Mr. Richard Hamala
Counsel for the Williamson County & Cities Health District
Tiemann, Shahady & Hamala, P.C.
102 North Railroad Avenue
Pflugerville, Texas 78660

OR2020-17401

Dear Mr. Hamala:

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# 834957 (Request ID# 66095386).

The Williamson County and Cities Health District (the "district"), which you represent, received a request for information pertaining to specified facilities. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim 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. Section 552.101 encompasses information made confidential by other statutes, such as section 81.046 of the Health and Safety Code, which provides in part:

(a) Reports, records, and information received from any source, including from a federal agency or from another state, furnished to a public health district, a health authority, a local health department, or the [Texas Department of State Health Services] that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.

(b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under [the Act], and

¹ We 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.

may not be released or made public on subpoena or otherwise except as provided by Subsections (c), (c-1), (d), and (f).

Health & Safety Code § 81.046(a), (b). In Open Records Decision No. 577 (1990), this office concluded any information acquired or created during an investigation under chapter 81 of the Health and Safety Code is confidential and may not be released unless an exception set out in the statute applies. *See* ORD 577; Health & Safety Code § 81.046(b)-(d), (f). The district states the submitted information was collected, assembled, and created during an investigation under chapter 81 of the Health and Safety Code. Furthermore, the district states the exceptions to confidentiality do not apply. Based on the district's representations and our review, we agree the submitted information is confidential under section 81.046, and the district must withhold it under section 552.101 of the Government Code.²

The district also asks this office to issue a previous determination that would permit it to withhold certain information under section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code without requesting a ruling from this office. Open Records Decision No. 673 (2001). 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,

Katie Stallcup
Attorney
Open Records Division

AKS/rm

Ref: ID# 834957

Enc. Submitted documents

c: Requestor

² As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.