



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 11, 2020

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

OR2020-22978

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# 843111 (TMB No. 31263).

The Texas Medical Board (the "board") received a request for request for information, including the name, mailing address, license type, license number, license expiration, and e-mail address, pertaining to physicians and physician assistants licensed in the state. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the board has not submitted information responsive to all the categories of information to which the requestor seeks access. Although the board states it has submitted a representative sample of the requested information, we find the submitted information is not representative of all of the types of information at issue. Please be advised, this open records letter ruling applies only to the types of information you have submitted for our review. This ruling does not authorize the board to withhold any information that is substantially different from the types of information the board submitted to this office. *See* Gov't Code § 552.302 (where request for attorney general decision does not comply with requirements of Gov't Code § 552.301, information at issue is presumed to be public). Accordingly, to the extent any such information existed on the date the board received the request, we assume the board has released it. If the board has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also*

Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, we note the submitted license numbers are not responsive to the instant request because they do not consist of the requested information. This ruling does not 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.

Section 552.139 of the Government Code provides, in relevant part, as follows:

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

Gov't Code § 552.139(a). Section 2059.055 of the Government Code provides, in relevant part, as follows:

(b) Network security information is confidential under this section if the information is:

(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a state agency[.]

Id. § 2059.055(b)(1). You state the e-mail addresses at issue are “used as unique user codes for physician assistants to access the [board’s] secure computer systems.” Accordingly, you state these e-mail addresses are part of the board’s computer network security and “safeguard access to sensitive and confidential information held in the secure online systems of the [board].” Based upon these representations and our review of the information, we find the board has demonstrated the information at issue relates to computer network security, restricted information under section 2059.055, or to the design, operation, or defense of the computer network as contemplated by section 552.139(a). Accordingly, the board must withhold the e-mail addresses at issue under section 552.139(a) of the Government Code.¹

In summary, the board must withhold the e-mail addresses at issue under section 552.139(a) of the Government Code. The board must release the remaining 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.

¹ As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.

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,

Sean McCormick
Assistant Attorney General
Open Records Division

SMC/jxd

Ref: ID# 843111

c: Requestor