



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 16, 2020

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

OR2020-23409

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# 844312 (TMB Ref. No. 31289).

The Texas Medical Board (the "board") received a request for information obtained from the Weatherford Police Department (the "department") related to a named doctor and a specified log number. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. You also state you notified the department of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code* § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the department. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

In Open Records Letter No. 2007-03117 (2007), this office issued a previous determination authorizing the board to withhold investigative information that is in the possession of or was received or gathered by the board during the investigation of a license holder under section 552.101 of the Government Code in conjunction with section 164.007 of the Occupations Code without the necessity of again requesting an attorney general decision with regard to the applicability of this exception. *See id.* § 552.301(a); Open Records Decision No. 673 at 7-8 (2001) (delineating elements of second type of previous

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 that those records contain substantially different types of information than that submitted to this office.

determination under Gov't Code § 552.301(a)). The board represents Exhibit 2 is confidential under section 164.007 and is subject to that previous determination. Upon review, we agree Exhibit 2 is confidential under section 164.007. Thus, pursuant to Open Records Letter No. 2007-03117, the board must withhold Exhibit 2 under section 552.101 of the Government Code in conjunction with section 164.007 of the Occupations Code.²

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,

Erin Groff
Assistant Attorney General
Open Records Division

EMG/rm

Ref: ID# 844312

Enc. Submitted documents

c: Requestor

Interested Party

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