



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 29, 2022

Mr. David H. Arredondo, Jr.
Assistant City Attorney
City of Laredo
P.O. Box 579
Laredo, Texas 78042-0579

OR2022-09095

Dear Mr. Arredondo:

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# 938410 (ORR# W022514).

The City of Laredo (the "city") received a request for information pertaining to the requestor. The city states it has released some of the requested information, but claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

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 section 161.0213 of the Health and Safety Code, which reads as follows:

Reports, records, and information furnished to the commissioner [of public health] or the commissioner's designee or the Texas Commission on Environmental Quality that relate to an epidemiologic or toxicologic investigation of human illnesses or conditions and of environmental exposures that are harmful or believed to be harmful to the public health are not public information under [the Act] and are subject to the same

confidentiality requirements as described by Section 81.046 [of the Health and Safety Code].

Health & Safety Code § 161.0213. Upon review, we find the submitted Cholera and Other Vibrio Illness Surveillance (COVIS) Report form is generally confidential under section 161.0213 of the Health and Safety Code. However, section 161.0213 is subject to the same confidentiality requirements as described by section 81.046 of the Health and Safety Code. *Id.* Section 81.046(c)(2) of the Health and Safety Code provides medical or epidemiological information may be released with the consent of each person identified in the information. *See id.* § 81.046(c)(2). In Open Records Decision No. 577 (1990), this office concluded section 81.046(c)(2), when read together with the statutory predecessor to section 552.023 of the Government Code, requires a county health department to release to a requestor any medical or epidemiological information it has concerning an individual who has consented to the release. ORD 577 at 3; *see* Gov't Code § 552.023(a) (“[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”). The submitted information made confidential by section 161.0213 pertains to the requestor. Therefore, we find the requestor has a right of access to this information pursuant to section 552.023 of the Government Code. We also conclude the city has not established section 161.0213 is applicable to the remaining information. Thus, the city may not withhold any of the remaining information under section 552.101 of the Government Code on that ground. Consequently, the city must release the submitted information.¹

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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/jm

¹ Because the requestor has a special right of access to the information being released, the city must again seek a decision from this office if it receives a request for the same information from another requestor.

Ref: ID# 938410

Enc. Submitted documents

c: Requestor
(w/o enclosures)