



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 30, 1994

Ms. Karen Hendershot Bailey  
Senior Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR94-633

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 28216.

The City of Victoria (the "city") has received a request for certain information in the possession of the city's emergency medical services department ("EMS"). You have submitted the requested information to us for review and claim that the city must withhold the marked portions of it from required public disclosure under section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 773.091(b) of the Health and Safety Code provides:

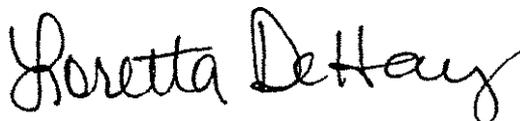
Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

We do not understand any of the exceptions to confidentiality set forth in section 773.092 of the Health and Safety Code to apply in this instance.

We have examined the records submitted to us for review. The marked portions of the submitted records identify or tend to identify patients treated by EMS personnel. Accordingly, under section 552.101 of the Open Records Act, the city must not release the marked information to the public. The remainder of the submitted information, however, must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 28216

cc: Mr. Norman Jones  
106 North Main, Suite 1  
Victoria, Texas 77901  
(w/o enclosures)