



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 18, 1996

Mr. Richard J. Ybarra  
Open Records Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR96-2434

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40486.

The Office of the Attorney General received a request for records related to the attorney general's investigation of the Hospital Corporation of America including "names of contacts that were used in Canada (Ontario, Alberta, etc.), psychiatrists, marketing agents, government officials, etc." You have provided the requestor with certain records that are responsive to the request. However, you contend that the remaining information is excepted from required public disclosure pursuant to the informer's privilege, common-law privacy, and sections 161.032(a) and 611.002(a) of the Health and Safety Code.

We have examined the records submitted for our review and agree that you may withhold the marked information under the informant's privilege. *See Roviario v. United States*, 353 U.S. 53, 59 (1957). We also agree with your contention that the records you have marked are confidential pursuant to sections 611.002 and 161.032(a) of the Health and Safety Code in conjunction with section 552.101 of the Government Code. Lastly, we agree with your contention that the remaining information you have marked must be withheld on the basis of common-law privacy.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 40486

Enclosures: Submitted documents

cc.: Mr. George A. Mentis  
Executive Director  
Citizens Commission on Human Rights Canada  
696 Yonge Street, Suite 802  
Toronto, Ontario M4Y2A7  
(w/o enclosures)