



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 15, 1997

Ms. Barbara L. Quirk  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR97-1604

Dear Ms. Quirk:

The San Antonio Metropolitan Health District ("SAMHD"), which you represent, seeks clarification of Open Records Letter No. 97-0836 (1997). Your request for clarification was assigned ID# 107389.

In Open Records Letter No. 97-0836 (1997), we concluded that the documents you submitted "are part of the investigative file compiled by SAMHD concerning the actual or suspected cases of Legionnaires' disease. Therefore, SAMHD's investigative file is made confidential by section 81.046" of the Health and Safety Code. However, section 81.046(c) provides that medical or epidemiological information may be released with the consent of the person identified in the information. You had attached two individuals' written and signed authorizations for the release of all records that relate or refer to the individuals. We concluded that section 81.046 does not permit SAMHD to give the requestor the full range of information identified in the releases; rather, it permits SAMHD to provide the requestor with "medical or epidemiological information concerning the persons who signed the releases."

You now state that it is difficult to determine what part of the information is considered to be "concerning the individuals" and what part constitutes "other kinds of information prepared or acquired in connection with [SAMHD's] Legionnaires' disease investigation." You opine that all information relating to the investigation of the establishment where the disease was reported may arguably constitute information "concerning the individuals."

Again, we reiterate that SAMHD's investigative file is made confidential by section 81.046 unless one of the exceptions to the confidentiality provision applies. The applicable exception is section 81.046(c) which provides for the release of medical or epidemiological

information only. As we stated in Open Records Letter No. 97-0836 (1997), although the releases authorize release of all records that relate or refer to the two consenting individuals, section 81.046 does not permit SAMHD to disclose the full range of information identified. SAMHD must provide the requestor with the two individuals' medical or epidemiological information only. The exception set out in section 81.046(c) does not permit the release of all information in the investigative file that concerns these individuals. Therefore, in summary, the medical or epidemiological information of the two individuals specifically mentioned in the requested information and from whom you have received consent letters must be disclosed. All other information relating to the investigation of the establishment, even if it specifically mentions the individuals, is confidential pursuant to section 81.046 of the Health and Safety Code.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 107389

cc: Ms. Carolyn Nevers  
Paralegal  
Baron & Budd  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, Texas 75219-4281