



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 22, 1997

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

OR97-1672

Dear Ms. Quirk:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 108396.

The San Antonio Metropolitan Health District ("SAMHD"), which you represent, received a request for names of children who came in contact with a rabid bat at Oak Meadow Elementary School. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 81.046 of the Health and Safety Code, the confidentiality provision for information about reportable diseases, provides as follows:

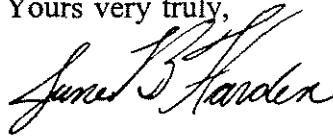
- (a) Reports, records, and information furnished to a health authority or the department that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.
- (b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under Chapter 552, Government Code, and may not be released or made public on subpoena or otherwise except as provided by Subsections (c) and (d).

A "public health district" is a district created under chapter 121 of the Health and Safety Code. *Id.* § 81.003(6). The SAMHD is a local public health district as defined by

section 81.003(6) of the Health and Safety Code. *Id.* §§ 121.031, 121.033. In the case of a city that has established a local health department, the health authority for the city is the physician appointed as director of the department. *Id.* The quoted provision is a broad confidentiality provision that encompasses any information relating to reportable diseases or health conditions that are in possession of a health authority. *See* Open Records Decision No. 577 (1990). We agree that the submitted document is part of the investigative file of SAMHD concerning actual or suspected cases of rabies. Therefore, the list of names is made confidential by section 81.046, in conjunction with section 552.101 of the Government Code, and must not be released to the requestor.

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,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 108396

Enclosures: Submitted documents

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