



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 5, 1997

Ms. Terry Faye Bleier, CPA
Executive Director
Texas Commission on Alcohol
and Drug Abuse
9001 North IH35, Suite 105
Austin, Texas 78753-5233

OR97-1992

Dear Ms. Bleier:

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# 108387.

The Texas Commission on Alcohol and Drug Abuse (the "commission") received a request for "any information" regarding the investigation of The Country Place Residential Treatment Center.¹ In response to the request, you submitted to this office for review the information which you assert is responsive. You claim the requested information is excepted from required public disclosure under section 552.101 of the Government Code, in conjunction with section 464.010(e) of the Health and Safety Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 464.010 of the Health and Safety Code provides that:

(e) All records made by the commission during its investigation of alleged abuse or neglect are confidential and may not be released except that the release may be made:

¹We note that in Open Records Letter No. 97-1495 (1997), our office specifically addressed the release of this same investigative file pursuant to a request by another individual. In that ruling, we reached the same conclusion as in this file based on the application of the statute to the responsive records.

- (1) on court order;
- (2) on written request and consent of the person under investigation or that person's authorized attorney; or
- (3) as provided by Section 464.011.

Accordingly, the investigation records are confidential under this provision.² Further, as none of the exceptions authorizing release of confidential records under section 464.010(e) apply, you must withhold the records.

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,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref: ID# 108387

Enclosures: Submitted documents

cc: Ms. Kathryn Layden
Area Contracting Manager
Merit Behavioral Care Corporation
7540 LBJ Freeway, Suite 800
Dallas, Texas 75251
(w/o enclosures)

²Section 464.011 is not applicable to this particular request for records.