



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 31, 1997

Mr. Mark S. Smock  
Deputy for Finance and Administration  
Texas Commission on Alcohol  
and Drug Abuse  
9001 North IH 35, Suite 105  
Austin, Texas 78753-5233

OR97-2420

Dear Mr. Smock:

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# 110705.

The Texas Commission on Alcohol and Drug Abuse (the "commission") received a request for information regarding the investigation of The Country Place Residential Treatment Center.<sup>1</sup> 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:

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<sup>1</sup>We note that in Open Records Letter Nos. 97-1495 (1997) and 97-1992 (1997), our office specifically addressed the release of this same investigative file pursuant to a request by another individual. In those rulings, 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. Further, as none of the exceptions authorizing release of confidential records under section 464.010(e) apply, you must withhold the records.<sup>2</sup>

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,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/glg

Ref.: ID# 110705

Enclosures: Submitted documents

cc: Mr. Jonathan Stutler |  
P.O. Box 1928  
Mansfield, Texas 76063  
(w/o enclosures)

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<sup>2</sup>Section 464.011 is not applicable to this particular request for records.