



May 19, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-1385

Dear Ms. Gonzalez:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125824.

The City of McAllen (the "city") asked for copies of a case file and photographs. You indicate that the only documents at issue are the autopsy reports, and that you believe these are confidential medical records.

Sections 5.08(b) and (c) of the Medical Practice Act, article 4495b of Vernon's Texas Civil Statutes, provides for confidentiality of medical records.

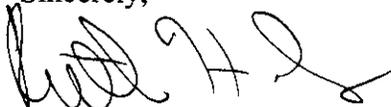
(b) Records of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician are confidential and privileged and may not be disclosed except as provided in this section.

(c) Any person who receives information from confidential communications or records as described in this section other than the persons listed in Subsection (h) of this section who are acting on the patient's behalf may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was first obtained.

The submitted autopsy photos are not medical records of a patient subject to the Medical Practice Act. Further, section 11 of article 49.25 of the Texas Code of Criminal Procedure provides that autopsy reports, including the full report and detailed findings of an autopsy, are public records. *See* Open Records Decision No. 529 at 4 (1989). The autopsy records at issue must be disclosed.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

Ref.: ID# 125824

encl. Submitted photographs

cc: Ms. Sandra Spencer
Spencer Claims Service
P.O. Box 7201
Corpus Christi, Texas 78467-7201
(w/o enclosures)