



July 21, 1999

Mr. Robert L. Dillard, III
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR99-2054

Dear Mr. Dillard:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126094.

The City of Duncanville, which you represent, received a request for investigation information concerning a possible Hepatitis A outbreak. You assert that the requested information is excepted from disclosure by section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code, which provides, in part:

(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 . .

Based upon your representations to this office that the responsive information was furnished to the Texas Department of Health as information relating to a suspected case of disease, we agree that the records are confidential under the provisions of section 81.046.

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.

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

RHS/ch

Ref: ID# 126094

Encl. Submitted documents

cc: Mr. Ric Camp
Forensic Investigations, Inc.
3232 McKinney Avenue, Suite 1160
Dallas, Texas 75204
(w/o enclosures)