



August 12, 1999

Mr. Craig H. Smith
Deputy General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 IH-35
Austin, Texas 78704-7491

OR99-2303

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127366.

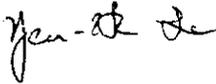
The Texas Workers' Compensation Commission (the "commission") received requests for nine investigative files. You claim that the requested information is excepted from disclosure under sections 552.108 and 552.111 of the Government Code and section 402.092 of the Labor Code in conjunction with section 552.101 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 402.092 of the Labor Code provides that information maintained in the investigative files of the commission is confidential and may not be disclosed except in four limited circumstances, none of which apply here. Labor Code § 402.092(a). "Investigative file" is defined as "any information compiled or maintained by the commission with respect to a commission investigation authorized by law." *Id.* § 402.092(d). After a review of the responsive information, we conclude that the requested information is, in this case, protected from disclosure because it was compiled in connection with investigations that the commission is authorized by law to conduct. Labor Code § 414.002. Therefore, the requested information is made confidential by statute and must not be disclosed.

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 cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 127366

Encl.: Submitted documents

cc: Mr. Ron T. Filer
Investigator
Kemper
2 Northpoint Dr., Suite 800
Houston, Texas 77060
(w/o enclosures)