



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 16, 2009

Ms. Amy L. Currier
Public Information Officer
Texas Funeral Service Commission
P. O. Box 12217
Austin, Texas 78711

OR2009-03405

Dear Ms. Currier:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 337486 (TFSC Reference No. 2008224).

The Texas Funeral Service Commission (the "commission") received a request for information pertaining to a specified complaint. You state that you have released some of the requested information. You also state you have previously released responsive information to the requestor in response to a prior request for information. *See Gov't Code* § 552.232 (prescribing procedures for response to repetitious or redundant requests for information). You claim that the remaining information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the commission informs us that it has previously provided the submitted information to a state representative pursuant to section 552.008 of the Government Code. Section 552.008 provides in part as follows:

[A] governmental body on request by an individual member, agency, or committee of the legislature shall provide public information, including confidential information, to the requesting individual member, agency, or committee of the legislature if the requesting member, agency or committee

states that the public information is requested under [the Act] for legislative purposes.

Id. § 552.008(b). We note that disclosure of excepted or confidential information to a legislator does not waive or affect the confidentiality of the information or the right to assert exceptions in the future regarding that information, and provides specific procedures relating to the confidential treatment of the information. *Id.* Accordingly, we will address the commission's argument against disclosure of the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes. Section 651.203 of the Occupations Code provides that "[i]nformation in a [complaint file maintained by the commission], other than information relating to a complaint that has not reached a final disposition, is public information." Occ. Code § 651.203(b). We conclude this language makes confidential information relating to a complaint that has not reached a final disposition. You state the complaint at issue had not reached a final disposition on the date the request was received. You inform us that the respondent has 30 days to appeal the commission's findings on this matter. Based on your argument and our review, we agree the information at issue is confidential under section 651.203(b) of the Occupations Code. Therefore, the submitted information must be withheld under section 552.101 of the Government Code in conjunction with section 651.203(b) of the Occupations Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Paige Savoie
Assistant Attorney General
Open Records Division

PS/eb

Ref: ID# 337486

Enc. Submitted documents

cc: Requestor
(w/o enclosures)