



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 24, 2010

Ms. Nneka C. Egbuniwe
Deputy General Counsel
Parkland Health and Hospital System
5201 Harry Hines Boulevard
Dallas, Texas 75235

OR2010-09325

Dear Ms. Egbuniwe:

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# 383889.

The Dallas County Hospital District d/b/a Parkland Health and Hospital System (the "district") received a request for "basic policy information and how to submit claims for your Resident Professional Liability Insurance Coverage," and "a copy of Parkland Hospital's Medical Staff Directory[.]" We understand that you released information responsive to the request for "basic policy information and how to submit claims for your Resident Professional Liability Insurance Coverage," in the form of the requestor's residency employment agreements to the requestor's legal representative. You claim that the submitted medical staff roster is excepted from disclosure under section 552.103 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

¹Although, you also initially raised all of the exceptions to disclosure under the Act, you have only provided arguments regarding the applicability of section 552.103 of the Government Code. Since you have not submitted arguments concerning the remaining exceptions, we assume that you no longer urge them. *See* Gov't Code §§ 552.301(b), (e), .302

The requestor states, and you acknowledge, that the submitted medical staff roster was previously released to the public. The Act does not permit selective disclosure of information to the public. *See id.* §§ 552.007(b), .021; Open Records Decision No. 463 at 1-2 (1987). Information that has been voluntarily released to a member of the public may not subsequently be withheld from another member of the public, unless public disclosure of the information is expressly prohibited by law or the information is confidential under law. *See Gov't Code* § 552.007(a); Open Records Decision Nos. 518 at 3 (1989), 490 at 2 (1988); *but see* Open Records Decision Nos. 579 (1990) (exchange of information among litigants in “informal” discovery is not “voluntary” release of information for purposes of statutory predecessor to Gov't Code § 552.007), 454 at 2 (1986) (governmental body that disclosed information because it reasonably concluded that it had constitutional obligation to do so could still invoke statutory predecessor to Gov't Code § 552.108). You assert that the district need not release the submitted medical roster to the requestor because the previous requestor to whom the district released the information is “acting in concert” with the instant requestor. Thus, you assert that the present request constitutes a redundant and repetitious request under section 552.232 of the Government Code. Generally, section 552.232 of the Government Code outlines the procedures a governmental body must follow in responding to a repetitious or redundant request *from the same requestor*. Gov't Code § 552.232. However, in this instance, the present requestor is not the same individual that previously requested the information that the district released. Accordingly, you have failed to establish that this is a repetitious or redundant request for purposes of the Act. Although you seek to withhold the submitted medical roster under section 552.103 of the Government Code, that section is a discretionary exception to disclosure that protects a governmental body's interests and may be waived. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive Gov't Code § 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). As such, section 552.103 neither expressly prohibits the release of information to the public nor makes information confidential under law. Therefore, because the district has previously voluntarily released the submitted medical roster to another member of the public, the district may not now withhold any such information from the present requestor under section 552.103. Accordingly, as you raise no exception that makes public disclosure of the medical roster expressly prohibited by law or confidential, the submitted medical roster must be released to the requestor.²

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.

²As we are able to make this determination, we need not address your argument against the disclosure of the submitted medical roster.

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, toll free, at (888) 672-6787.

Sincerely,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 383889

Enc. Submitted documents

c: Requestor
(w/o enclosures)