



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 29, 2010

Ms. Loris Jones  
Public Information Officer  
Texas Board of Veterinary Medical Examiners  
333 Guadalupe, Suite 3-810  
Austin, Texas 78701-3942

OR2010-09595

Dear Ms. Jones:

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# 385346.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for responses to two specified complaints and patient records. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. Section 801.207(b) of the Occupations Code provides "[a]n investigation record of the board, including a record relating to a complaint that is found to be groundless, is confidential." Occ. Code § 801.207(b). In Open Records Decision No. 683 (2009), this office held that although section 801.207(b) makes the board's investigation records

---

<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

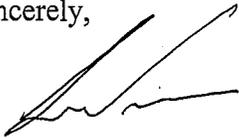
confidential as to the general public, this statute does not prohibit the board from releasing "to the complainant, as a party to the complaint, a copy of the licensee's response *during the investigation process.*" ORD 683 at 4 (emphasis added).

You state pursuant to the board's procedures, an "investigation file is opened upon receipt of a complaint[.]" You state the submitted information was received as part of the investigation process but the request was not received until after the conclusion of the investigation. In her request for information, the requestor states she was entitled to the licensees' responses during the investigations pursuant to Open Records Decision No. 683. The requestor also states she was entitled to the requested patient records pursuant to the board's own rules. We note Open Records Decision No. 683 does not require the release of the licensee's response to the complainant but permits its release to the complainant during the investigation process. Further, we note section 573.52(b)(4) of title 22 of the Texas Administrative Code provides a veterinary client is entitled to a copy of the patient records pertaining to the client's animal from the veterinarian who is responsible for keeping such records. *See* 22 T.A.C. § 573.52(b)(4); *see also* Occ. Code § 801.533(b)(1) (veterinarian not required to release information concerning care of animal except on veterinarian's receipt of written authorization or other form of waiver executed by client). Thus, the board's rule entitles a client to patient records from a veterinarian, not from the board. Consequently, the submitted information is confidential under section 801.207 of the Occupations Code and the board must withhold it under section 552.101 of the Government 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](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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/eeg

Ref: ID# 385346

Enc. Submitted documents

c: Requestor  
(w/o enclosures)