



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 26, 2013

Mr. Brooks Landgraf
Shafer, Davis, O'Leary & Stoker, P.C.
P.O. Drawer 1552
Odessa, Texas 79760-1552

OR2013-06901

Dear Mr. Landgraf:

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# 487817.

The Ector County Hospital District d/b/a Medical Center Health System (the "district"), which you represent, received a request for information regarding the treatment and death of a named individual.¹ The district claims the requested information is excepted from disclosure under sections 552.101 and 552.107 of the Government Code. You also inform us you have notified an attorney representing the family of the deceased individual of the district's receipt of the request for information and of the family's right to submit arguments to this office as to why the requested information should not be released. *See Gov't Code* § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the claimed exceptions and reviewed the submitted information.

Section 552.107(2) of the Government Code provides information is excepted from disclosure if "a court by order has prohibited disclosure of the information." *Id.* § 552.107(2). We understand the submitted documents, which consist of medical, health

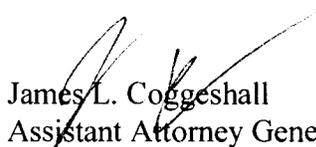
¹The district sought and received clarification of the information requested. *See Gov't Code* § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-business-day period to request attorney general ruling is measured from date request is clarified).

care, and forensic records of the deceased individual, are subject to a subpoena duces tecum issued to the district by an attorney representing the State of Texas. You have submitted a copy of a protective order requiring the district to produce the records to the attorney, but prohibiting the district from disclosing these records "for any other purpose other than this cause." Based on the district's representations and our review of the information at issue, we conclude that the district must withhold the submitted information pursuant to section 552.107(2) of the Government Code.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.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tch

Ref: ID# 487817

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Mike Brown
1310 West Illinois, Suite 100
Midland, Texas 79701
(w/o enclosures)

²As our ruling is dispositive, we do not address your other argument to withhold this information.