



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 3, 2014

Ms. Neera Chatterjee  
Public Information Coordinator  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2014-00220

Dear Ms. Chatterjee:

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# 508346 (OGC# 152342).

The University of Texas Medical Branch at Galveston (the "university") received a request for any documentation on the amounts paid to settle the cases and the amounts expended by the university in defense of those claims to the extent any claims against the university or a named employee of the university were settled. 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 information.

Initially, we note you have only submitted information relating to the amounts paid to settle the cases. You have not submitted information relating to the amounts expended by the university in defense of the claims. We assume, to the extent any information responsive to this portion of requested information existed on the date the university received the request, the university has released it. If the university has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.006, .301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses confidentiality provisions such as section 161.032 of the Health and Safety Code, which provides in relevant part:

(c) Records, information, or reports of a . . . compliance officer and records, information, or reports provided by a . . . compliance officer to the governing body of a public hospital, hospital district, or hospital authority are not subject to disclosure under [the Act].

. . .

(e) The records, information, and reports received or maintained by a compliance officer retain the protection provided by this section only if the records, information, or reports are received, created, or maintained in the exercise of a proper function of the compliance officer as provided by the Office of Inspector General of the United States Department of Health and Human Services.

(f) This section . . . do[es] not apply to records made or maintained in the regular course of business by a hospital, . . . university medical center or health science center, [or] hospital district[.]

Health & Safety Code § 161.032(c), (e), (f). You inform us the submitted information was borne out of an investigation conducted by the university’s Office of Institutional Compliance (“OIC”) upon receiving a complaint. In response to this office’s request for additional information under section 552.303(c) of the Government Code, you explain the draft settlement agreement at issue was created as a result of the OIC investigation; however, you state the draft settlement agreement was not created by the OIC. *See* Gov’t Code § 552.303(c) (attorney general may give written notice to governmental body that additional information is necessary to render decision). Upon review, we find the submitted information does not consist of records, information, or reports of a compliance officer or provided by a compliance officer to the governing body of a public hospital, hospital district, or hospital authority. Therefore, the university may not withhold the submitted information under section 552.101 of the Government Code in conjunction with section 161.032 of the Health and Safety Code. As you raise no other exceptions to disclosure, the university must release the submitted information.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



David L. Wheelus  
Assistant Attorney General  
Open Records Division

DLW/akg

\Ref: ID# 508346

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

