



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 24, 2014

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

OR2014-04885

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# 517642.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for documents referenced in response to a complaint and any documents or responses submitted by a specified veterinary office pertaining to a specified investigation. 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.

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 made confidential by other statutes, such as section 801.207 of the Occupations Code. Section 801.207(b) 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). We note the requestor in the present request is the complainant in the investigation. In Open Records Decision No. 683 (2009), this office held that although section 801.207(b) makes the board's investigation records confidential as to the general public, this statute does not prohibit the board from releasing "to the complaint, as a party to the complaint, a copy of the licensee's response *during the complaint investigation process.*" ORD 683 at 5 (emphasis added).

You inform us under the board's procedures, an investigation file is opened upon receipt of a complaint against a licensee, and any matters related to that complaint and subsequent investigation become part of the investigation record. You state the submitted information is contained within an investigation file. You have not informed our office whether the present request was received during the investigation process. To the extent the board received the request during the investigation process, it is permitted to provide the requestor, as a party to the complaint, a copy of the licensee's response. Otherwise, the board must withhold the licensee's response, along with the rest of the submitted information under section 552.101 in conjunction with section 801.207(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.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,

A handwritten signature in black ink that reads "Rashandra C. Hayes". The signature is stylized with a large, flowing initial "R" and a horizontal line extending to the right.

Rashandra C. Hayes  
Assistant Attorney General  
Open Records Division

RCH/dls

Ref: ID# 517642

Enc. Submitted documents

c: Requestor  
(w/o enclosures)