



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 19, 2014

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

OR2014-21055

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# 543625.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for information pertaining to a complaint against the requestor's client. 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.

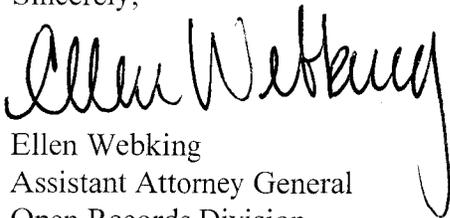
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information made confidential by other statutes, such as section 801.207 of the 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). You note the requestor represents the individual who is the subject of the complaint 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 licensee, as a party to the complaint, a copy of the complaint during the complaint investigation process. *See* ORD 683.

You state under the board's procedures, an investigation file is opened upon receipt of a complaint, and any matters related to that complaint and subsequent investigation become part of the investigation record. You inform us the information at issue relates to a complaint filed with the board and this information is contained within an investigation file. You have not informed our office whether the present request was received during the investigation process. Thus, to the extent the board received the request during the investigation process, it is permitted to provide the requestor, as the representative of a party to the complaint, a copy of the complaint. Otherwise, the board must withhold the complaint, 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, 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,



Ellen Webking
Assistant Attorney General
Open Records Division

EW/ac

Ref: ID# 543625

Enc. Submitted documents

c: Requestor
(w/o enclosures)