



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 5, 2014

Mr. William Schultz
Assistant District Attorney
Civil Division
Denton County Criminal District Attorney
1450 East McKinney Street, Suite 3100
Denton, Texas 76209

OR2014-22050

Dear Mr. Schultz:

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# 549222.

Denton County (the "county") received a request for information pertaining to individuals being monitored for the Ebola virus disease, including certain guidelines. The submitted information indicates the county released the requested guidelines to the requestor. You claim the remaining requested 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. Section 552.101 encompasses information other statutes make confidential, such as section 81.046 of the Health and Safety Code, which provides in pertinent part:

(a) Reports, records, and information received from any source, including from a federal agency or from another state, furnished to a public health district, a health authority, a local health department, or the [Texas Department of State Health Services] that relate to cases or suspected cases

of diseases or health conditions are confidential and may be used only for the purposes of this chapter.

(b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under [the Act], and may not be released or made public on subpoena or otherwise except as provided by Subsections (c), (d), and (f).

Health & Safety Code § 81.046(a)-(b). In Open Records Decision No. 577 (1990), this office concluded that any information acquired or created during an investigation under chapter 81 of the Health and Safety Code is confidential and may not be released unless an exception set out in the statute applies. *See id.* § 81.046(b)-(d), (f); ORD 577. You assert the submitted information is confidential under section 81.046 because the submitted list was received by the Denton County Health Department (the “department”), a local health department, and identifies individuals who may have come into contact with individuals who had Ebola. Thus, we understand the submitted information relates to an investigation of cases or suspected cases of Ebola and the information was acquired by the department pursuant to the provisions of chapter 81. Based on your representation and our review, we agree section 81.046 governs the release of the submitted information. We understand none of the release provisions of section 81.046 are applicable. Accordingly, we determine the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety 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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/akg

Ref: ID# 549222

Enc. Submitted documents

c: Requestor
(w/o enclosures)