



January 7, 2015

Ms. Lacey Lucas
Assistant District Attorney
Dallas County
411 Elm Street, 5th Floor
Dallas, Texas 75202

OR2015-00212

Dear Ms. Lucas:

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# 549021.

Dallas County Health and Human Services ("DCHHS") received a request for e-mails, with attachments, sent and received by employees of DCHHS concerning the second Ebola virus case during a specified time period. You state DCHHS has released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. Additionally, you notified the City of Dallas, the Texas Department of State Health Services, and the United States Centers for Disease Control of the request for information and of their right to submit written comments to this office stating why the submitted information should or should not be released. *See* Gov't Code 552.304. We have received comments from the Texas Department of State Health Services. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note some of the requested information may have been the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2014-23041 (2014), 2014-23231 (2014), 2014-23277 (2014), 2015-00197 (2015), and 2015-00210 (2015). Accordingly, to the extent the requested information is identical to the information previously submitted and ruled on by this office, we conclude DCHHS must continue to rely on those rulings as previous determinations and withhold or release any such

information in accordance with those rulings. *See* Open Records Decision No. 673 at 6-7 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). To the extent the requested information is not subject to those rulings, we will address DCHHS's arguments against release of the submitted information.

Next, we note some of the submitted information, which we have marked, is not responsive to the present request because it does not fall within the specified time period or it does not pertain to the second Ebola virus case. This ruling does not address the public availability of non-responsive information, and DCHHS need not release non-responsive information to the requestor.

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 section 81.046 of the Health and Safety Code, which provides in 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). You explain the responsive information was gathered or created by DCHHS during an investigation under chapter 81 of an Ebola virus outbreak. Based on your representations and our review, we agree section 81.046 governs the release of this information. None of the release provisions of section 81.046 appears to be applicable. Accordingly, we determine DCHHS must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code.¹

¹As our ruling is dispositive for this information, we need not address the Texas Department of State Health Services' comments.

In summary, to the extent the requested information is identical to the information previously submitted and ruled on by this office in Open Records Letter Nos. 2014-23041, 2014-23231, 2014-23277, 2015-00197, and 2015-00210, we conclude DCHHS must continue to rely on those rulings as previous determinations and withhold or release any such information in accordance with those rulings. DCHHS must withhold the responsive 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,



Kristi L. Godden
Assistant Attorney General
Open Records Division

KLG/ac

Ref: ID# 549021

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Warren M.S. Ernst
Dallas City Attorney
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201-6622
(w/o enclosures)

Mr. Timothy E. Bray
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347
(w/o enclosures)

Mr. David Daigle
Centers for Disease Control
1600 Clifton Road
Atlanta, Georgia 30333
(w/o enclosures)