



January 13, 2015

Ms. Andrea D. Russell
Counsel for the City of Haltom
Taylor, Olson, Adkins, Sralla, Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107-4654

OR2015-00606

Dear Ms. Russell:

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# 550468.

The City of Haltom City (the "city"), which you represent, received a request for all information pertaining to a specified incident involving the requestor, including notes, EMS committee meeting minutes, and correspondence. You state the city will release some information to the requestor. 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. Section 552.101 encompasses information made confidential by other statutes, such as section 773.095 of the Health and Safety Code, which provides in relevant part:

(a) The proceedings and records of organized committees of hospitals, medical societies, emergency medical services providers, emergency medical services and trauma care systems, or first responder organizations relating to the review, evaluation, or improvement of an emergency medical services provider, a first responder organization, an emergency services and trauma care system, or emergency medical services personnel are confidential and not subject to disclosure by court subpoena or otherwise.

...

(c) This section does not apply to records made or maintained in the regular course of business by an emergency medical services provider, a first responder organization, or emergency medical services personnel.

Health & Safety Code § 773.095(a), (c). You inform us the submitted information consists of records maintained by the EMS Committee, a first responder organization, relating to the review of the organization and its personnel. *See id.* § 773.003(16) (defining “first responder organization”). You further explain the information at issue does not consist of records made or maintained in the regular course of business. Based on your representations and our review, we agree the submitted information constitutes records relating to the review, evaluation, or improvement of a first responder organization or its personnel. Thus, we conclude the submitted information is confidential under section 773.095 of the Health and Safety Code and must be withheld under section 552.101 of the Government Code on that basis.

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,



Lauren Dahlstein
Assistant Attorney General
Open Records Division

LMD/som

Ref: ID# 550468

Enc. Submitted documents

c: Requestor
(w/o enclosures)