



January 15, 2015

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

OR2015-00852

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# 550771.

Denton County (the "county") received a request for records identifying individuals who live in the City of Frisco who are suspected of having contact with or who have had contact with individuals who contracted the Ebola virus. 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 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).

(c) Medical or epidemiological information may be released:

...

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information[.]

Health & Safety Code § 81.046(a)-(b), (c)(3). The submitted information relates to cases or suspected cases of the Ebola virus, which is a communicable disease. You state the submitted information was gathered or created by the county's health department. Based on your representations and our review, we agree section 81.046 governs the release of this information. Therefore, we find the submitted information is confidential under section 81.046 and must generally be withheld under section 552.101 of the Government Code on that basis. However, we note the requestor contends he has been appointed the health authority for the City of Frisco, and has provided documentation to the county in support of this contention. *See* Health and Safety Code § 81.003(2) (defining "health authority" for the purposes of chapter 81). Accordingly, we find to the extent the county determines the requestor represents the health authority for the City of Frisco, the county has the discretion to release the submitted information to the requestor pursuant to section 81.046(c)(3) of the Health and Safety Code, notwithstanding the confidentiality of section 81.046. *See id.* § 81.046(c)(3).

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/bhf

Ref: ID# 550771

Enc. Submitted documents

c: Requestor  
(w/o enclosures)