



February 25, 2015

Mr. William Christian
Counsel for Del Mar College District
Graves Dougherty Hearon & Moody
P.O. Box 98
Austin, Texas 78767

OR2015-03706

Dear Mr. Christian:

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# 557285.

The Del Mar College District (the "district"), which you represent, received a request for information pertaining to peer-review committees of the district's School of Nursing, including documents filed by the committee with the Texas Board of Nursing and investigative findings. The district claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

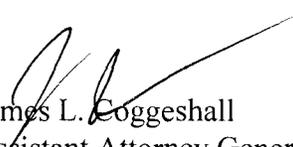
Initially, you inform us the submitted information is responsive to the request for information pertaining to investigative findings by nursing peer review committees. However, it does not appear the district has submitted information responsive to the remaining portions of the request. Although the district states it submitted a representative sample of the requested information, we find the submitted information is not representative of the other types of information to which the requestor seeks access. Please be advised, this open records letter ruling applies only to the type of information you have submitted for our review. This ruling does not authorize the district to withhold any information that is substantially different from the type of information you submitted to this office. *See* Gov't Code § 552.302. Accordingly, to the extent any information responsive to the remainder of the request for information existed in the possession of the district when it received the request, we assume the district has released this information to the requestor. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If the district has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. This section encompasses information protected by other statutes. Chapter 303 of the Occupations Code addresses the peer review of nurses. Section 303.006 protects all communications made to a nursing peer review committee and makes the committee proceedings confidential. Occ. Code § 303.006. Information protected by section 303.006 may be released only as provided in section 303.007. The district informs us the submitted information consists of materials that were reviewed by or provided to a nursing peer review committee. Thus, we find the submitted information is confidential under section 303.006 of the Occupations Code. The district states the provisions of section 303.007 do not apply to the information at issue. Therefore, the district must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 303.006 of the Occupations Code.¹

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 557285

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.