



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 6, 2015

Ms. Heather Silver  
Assistant City Attorney  
Office of the City Attorney  
City of Dallas  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2015-08810

Dear Ms. Silver:

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# 562402.

The City of Dallas (the "city") received a request for five categories of information pertaining to two named emergency medical services patients, to include information pertaining to the ambulance that transported one of the named patients on a specified date, the employees who were involved in the transport, and employees who were in subsequent contact with the other named patient. The city claims the submitted information is excepted from disclosure under sections 552.101, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

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. 2014-23179 (2014), 2014-23242 (2014), 2015-00030 (2015), 2015-01171 (2015), 2015-01224 (2015), 2015-01234 (2015), 2015-01235 (2015), 2015-01240 (2015),

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

2015-01354 (2015), 2015-01904 (2015), 2015-02108 (2015), and 2015-02109 (2015). We have no indication the law, facts, and circumstances on which the prior rulings were based have changed. Accordingly, to the extent the information in the current request is identical to the information previously requested and ruled upon by this office, we conclude the city must continue to rely on these rulings as previous determinations and withhold or release the information in accordance with them. To the extent the submitted information is not subject to these rulings, we will address the city's arguments against disclosure.

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. This section encompasses section 81.046(b) of the Health and Safety Code, which reads, "[r]eports, 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(b). You state the information submitted as Exhibit B pertains to investigations by the city's public health and emergency services officials into outbreaks of Ebola within the city. Upon review, we agree section 81.046 governs the release of this information. We have no indication any of the release provisions of section 81.046 are applicable. Accordingly, we determine the city must withhold Exhibit B under section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code.<sup>2</sup>

Section 552.101 of the Government Code also encompasses section 773.091 of the Health and Safety Code, which provides, in part:

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

*Id.* § 773.091(b). This confidentiality "does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services." *Id.* § 773.091(g). Upon review, we agree the information submitted as Exhibit C constitutes emergency medical services records that are subject to chapter 773 of the Health and Safety Code. Accordingly, except for information subject to section 773.091(g), the city must withhold Exhibit C under section 552.101 of the Government Code in conjunction with section 773.091(b) of the Health and Safety Code.

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of Exhibit B.

In summary, the city must withhold Exhibit B under section 552.101 of the Government Code in conjunction with section 81.046 of the Health and Safety Code. With the exception of information subject to section 773.091(g), which must be released, the city must withhold Exhibit C under section 552.101 of the Government Code in conjunction with section 773.091(b) 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](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,



Lee Seidlits  
Assistant Attorney General  
Open Records Division

CLS/som

Ref: ID# 562402

c: Requestor