



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 16, 2015

Mr. Rob Blech
Assistant General Counsel
Texas Medical Board
P.O. Box 2018
Austin, Texas 78768-2018

OR2015-11860

Dear Mr. Blech:

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# 567692 (TMB Reference No. 25470).

The Texas Medical Board (the "board") received a request for the telephone number of a named doctor. You state the board is withholding some information pursuant to a previous determination issued by our office in Open Records Letter No. 2006-14198 (2006).¹ 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.

Initially, we note, with the exception of the telephone number at issue, the submitted information is not responsive to the instant request for information because it does not consist of the requested telephone number. This ruling does not address the public availability of non-responsive information, and the board is not required to release non-responsive information in response to this request.

¹Open Records Letter No. 2006-14198 authorizes the board to withhold investigatory records pertaining to licensing investigations of an applicant for license as a physician under section 552.101 of the Government Code in conjunction with section 164.007 of the Occupations Code.

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 exception encompasses information that other statutes make confidential. Section 156.006 of the Occupations Code provides, in part:

(a) Each license holder shall submit to the board telephone numbers, fax numbers, and e-mail addresses, if available and as appropriate, that the board may use to contact the license holder in an emergency.

...

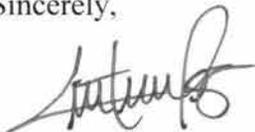
(d) The information provided by a license holder under this section is confidential and is not subject to disclosure under [the Act]. The board may not publish, release, or make available information provided by a license holder under this section except as provided by Subsection (e).

Occ. Code § 156.006(a), (d). You state the telephone number at issue belongs to a licensed physician and was provided to the board pursuant to section 156.006(a). Upon review, we find the board must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 156.006(d) of the Occupations 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,



Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/cbz

Ref: ID# 567692

Enc. Submitted documents

c: Requestor
(w/o enclosures)