



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 23, 2016

Ms. Lauren Studdard
Staff Attorney
State Board of Dental Examiners
333 Guadalupe, Tower 3, Suite 800
Austin, Texas 78701-3942

OR2016-06614

Dear Ms. Studdard:

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# 602562.

The State Board of Dental Examiners (the "board") received a request for information regarding patient deaths and hospitalization during a specified period of time.¹ You state you have released some information to the requestor. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

We note the board seeks to withhold investigation files. In Open Records Letter No. 2016-03778 (2016), this office issued a previous determination to the board authorizing

¹We note the board sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²We note the board did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b), (e). Nevertheless, because the exception the board claims can provide a compelling reason to overcome the presumption of openness, we will consider the board's claimed exception for the submitted information. *See id.* §§ 552.007, .302, .352.

it to withhold investigation files and other records under section 552.101 of the Government Code in conjunction with section 254.006(b) of the Occupations Code, unless the exceptions to confidentiality apply under section 254.006(c) of the Occupations Code, without the necessity of requesting a decision from this office with regard to the applicability of this statute. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code); *see also* Occ. Code. § 254.006(c). You indicate section 254.006(c) is not applicable to the marked information. Accordingly, the board must withhold the information it has marked in accordance with the previous determination issued in Open Records Letter No. 2016-03778.³ As you raise no other exceptions to disclosure, the remaining information must be released.

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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/bw

Ref: ID# 602562

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³As our ruling is dispositive, we need not address the board's argument against disclosure.