



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 11, 2016

Ms. Eileen M. Hayman
Counsel for the City of Eastland
Messer, Rockefeller & Fort, PLLC
500 Chestnut Street, Suite 1601
Abilene, Texas 79602

OR2016-10801

Dear Ms. Hayman:

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# 610121.

The City of Eastland (the "city"), which you represent, received a request for information related to a specified incident, including all investigation reports, witness statements, photographs, and video recordings. You state you have released some information to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public 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. You raise section 552.101 in conjunction with section 773.091 of the Health and Safety Code. This section provides, in part:

- (a) A communication between certified emergency medical services personnel or a physician providing medical supervision and a patient that is made in the course of providing emergency medical services to the patient is confidential and privileged and may not be disclosed except as provided by this chapter.

(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.

(c) Any person who receives information from confidential communications or records as described by this chapter, other than a person listed in Section 773.092 who is acting on the survivor's behalf, may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was obtained.

Health & Safety Code § 773.091(a)-(c). Section 773.091 further provides, however, that

[t]he privilege of confidentiality under this section 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). You inform us some of the submitted video recordings contain communications involving an employee of the city's fire department who holds an emergency medical services certification. However, the information at issue does not consist of a communication between certified emergency medical services personnel and a patient that was made in the course of providing emergency medical services to a patient. *See id.* § 773.091(a). Furthermore, it does not consist of a record of the identity, evaluation, or treatment of a patient by emergency medical services personnel. *See id.* 773.091(b). Thus, the information at issue is not confidential under section 773.091 and the city may not withhold such information under section 552.101 of the Government Code on that ground.

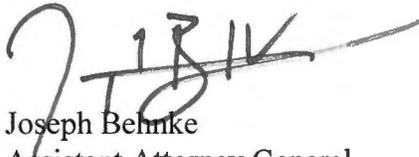
Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we find the video recording at issue does not contain discernible information that is subject to section 552.130. As such, the city may not withhold any portion of the video recording on that basis. As you raise no further exceptions to disclosure, the city must release the submitted information

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,

A handwritten signature in black ink, appearing to read 'J. Behnke', with a long horizontal stroke extending to the right.

Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 610121

Enc. Submitted documents

c: Requestor
(w/o enclosures)