



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2016

Ms. Tiffany N. Evans
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2016-14889

Dear Ms. Evans:

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# 617910 (GC No. 23298).

The City of Houston and the Houston Fire Department (collectively, the "city") received two requests from the same requestor for information pertaining to a specified incident. 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.

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. Section 552.101 encompasses section 773.091 of the Health and Safety Code, which provides, in relevant 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.

...

(g) The 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.

Health & Safety Code § 773.091(b), (g). Except for the information specified in section 773.091(g), emergency medical service (“EMS”) records are deemed confidential under section 773.091. Upon review, we find some of the information at issue, which we have marked, does not consist of records of the identity, evaluation, or treatment of patients by EMS personnel or a physician providing medication supervision that were created by the EMS personnel or a physician or maintained by an EMS provider. *See id.* § 773.091(b). Thus, the city may not withhold this information under section 552.101 in conjunction with section 773.091. However, we find the remaining information constitutes EMS records or information obtained from EMS records subject to chapter 773 of the Health and Safety Code. Thus, with the exception of the information subject to section 773.091(g), and the information we have marked for release, the city must withhold the remaining information under section 552.101 of the Government Code in conjunction with section 773.091(b) of the Health and Safety Code. As no further exceptions to disclosure have been raised, the city must release the information subject to section 773.091(g) and the information we have marked for release.

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,



Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 617910

Enc. Submitted documents

c: Requestor
(w/o enclosures)