



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 23, 2009

Ms. Loris Jones  
Public Information Officer  
Texas Board of Veterinary Medical Examiners  
333 Guadalupe, Suite 3-810  
Austin, Texas 78701-3942

OR2009-13424

Dear Ms. Jones:

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# 356354.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for a copy of the requestor's complete file, including the complaint filed against the requestor and any evidence against her, as well as a copy of the x-rays the requestor sent to the board. 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. We have also considered comments submitted by the requestor. Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released.

Initially, we note you have not submitted the requested x-rays for our review. To the extent this information existed at the time the board received the instant request for information, we assume that you released it to the requestor. If such information has not been released, then it must be released at this time. *See id.* §§ 552.301, .302.

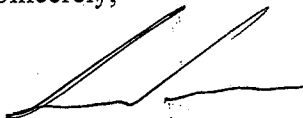
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This exception encompasses information that another statute makes confidential. You claim the submitted information is confidential under section 801.207 of the Occupations Code.

Section 801.207(b) provides that “[a]n investigation record of the board, including a record relating to a complaint that is found to be groundless, is confidential.” Occ. Code § 801.207(b). You state the submitted information relates to a complaint filed with the board and its subsequent investigation. Based on your representation and our review, we conclude the submitted information is confidential under section 801.207 of the Occupations Code and must be withheld from disclosure under section 552.101 of the Government 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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/eeg

Ref: ID# 356354

Enc. Submitted documents

c: Requestor  
(w/o enclosures)