



## Guide to Confidential Cases and Information at SOAH

Agency Code	Agency Name	Suffix(es)	Confidential/Closed Case Type	Confidentiality Statute	Description of Confidential Information
	All Agencies	.MED	Original Mediation	Tex. Gov't Code § 2009.054; T.R.E. 408; T.R.C.P. §§ 154.053, .073	<ul style="list-style-type: none"> <li>All communications and records with the parties regarding mediation/settlement negotiations</li> </ul>
	All Agencies		Enforcement or licensure case based solely on specific types of criminal history information	Tex. Gov't Code § 411.084	<ul style="list-style-type: none"> <li>Compiled criminal history record information about a licensee/applicant obtained from FBI National Crime Information Center (NCIC) or DPS Texas Crime Information Center (TCIC) or information derived from those reports</li> </ul>
	All Agencies		Enforcement or licensure case where the underlying allegation or violation is a crime that is subject to a non-disclosure order issued by the criminal court adjudicating the offense	Tex. Gov't Code § 411.076	<ul style="list-style-type: none"> <li>All information relating to the criminal court case</li> </ul>

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099	Texas County & District Retirement System (TCDRS)	No suffix	Benefits cases prior to FY 19	Tex. Gov't Code § 845.115	<ul style="list-style-type: none"> <li>Information concerning a participant in the retirement system; exempt from the public information provisions of Chapter 552</li> </ul>
100	Texas Municipal Retirement System (TMRS)	No suffix	Benefits	Tex. Gov't Code § 855.115	<ul style="list-style-type: none"> <li>Information about members, retirees, annuitants, or beneficiaries; exempt from the public information provisions of Chapter 552</li> </ul>
302	Office of Attorney General (OAG)	.CS	Child Support	Tex. Fam. Code § 231.108 and 42 U.S.C.A. § 654(26)	<ul style="list-style-type: none"> <li>Personal Identifying Information (PII)</li> <li>Social Security Numbers</li> <li>Date of Birth</li> <li>Names of Minors</li> </ul>
304	Comptroller of Public Accounts (CPA)	All suffixes except .PVS	Tax	Tex. Gov't Code § 2003.104	<ul style="list-style-type: none"> <li>Taxpayer Name</li> <li>Taxpayer ID Number</li> </ul>
323	Teacher Retirement System of Texas (TRS)	No suffix	Benefits	Tex. Gov't Code § 825.507	<ul style="list-style-type: none"> <li>Records of or about a member, former member, retiree, annuitant, beneficiary or alternate payee; exempt from the public information provisions of Chapter 552</li> </ul>
327	Employee Retirement System of Texas (ERS)	No suffix	Benefits	Tex. Gov't Code § 815.503(a)	<ul style="list-style-type: none"> <li>Records of members, retirees, annuitants, or beneficiaries and alternate payees; exempt from the public information provisions of Chapter 552</li> </ul>

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329	Texas Real Estate Commission (TREC) / Texas Appraiser Licensing & Certification Board (TALCB)	.ALC	Appraiser Licensing and Certification	Tex. Occ. Code § 1103.460	<ul style="list-style-type: none"> <li>Information in connection with a complaint, investigation, disciplinary proceedings or contested case for conduct that occurred after January 1, 2016; exempt from the public information provisions of Chapter 552</li> </ul>
336	Texas County & District Retirements System (TCDRS)	No suffix	Benefits cases after FY 19	Tex. Gov't Code § 845.115	<ul style="list-style-type: none"> <li>Information concerning a participant in the retirement system is confidential; exempt from the public information provisions of Chapter 552</li> </ul>
338	Texas Pension Review Board (PRB)	No suffix	Benefits	See, e.g., Vernon's Civil Statutes, Art. 6243e, Sec. 32	<ul style="list-style-type: none"> <li>Information contained in records that are in the custody of a retirement system concerning an individual member, retiree, annuitant, or beneficiary</li> </ul>
407	Texas Commission on Law Enforcement (TCOLE)	.F5	Change F-5 Discharge Designation	Tex. Occ. Code § 1701.454	<ul style="list-style-type: none"> <li>F-5 and case information, <u>unless</u> the officer resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses</li> </ul>

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407	Texas Commission on Law Enforcement (TCOLE)	No suffix	Suspension or revocation of peace officer's license	Tex. Gov't Code §§ 552.117-.1175	<ul style="list-style-type: none"> <li>Majority of information is public; however, the cases are not available to the public using the online case file system to guard against inadvertent disclosure of confidential peace officer information</li> <li>Confidential information that may be included: Peace officer's personal contact information and TCOLE PID numbers</li> </ul>
450	Texas Department of Savings and Mortgage Lending (SML)	.CHI	License denial case based solely on specific types of criminal history, credit history, or national registry information	Tex. Fin. Code §§ 157.0132, 180.062; 28 C.F.R. § 50.12; Tex. Gov't Code § 411.084	<ul style="list-style-type: none"> <li>Compiled criminal history record information about a licensee/applicant obtained from FBI National Crime Information Center (NCIC) or DPS Texas Crime Information Center (TCIC) or information derived from those reports</li> <li>Credit history information</li> <li>Confidential information obtained from the Nationwide Mortgage Licensing System and Registry information</li> </ul>

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451	Texas Department of Banking (DOB)	.FIN	Enforcement action related to the license, charter, registration, or permit of a financial institution	Tex. Fin. Code §§ 31.002(a)(25), .301	<ul style="list-style-type: none"> <li>Information and all related files and records obtained directly or indirectly by the DOB concerning: the financial condition or business affairs of a financial institution; any present, former, or prospective shareholders, officers, directors, or affiliates of the financial institution; and/or a third-party service provider of the financial institution or its affiliate</li> <li>Does not include information in a published statement or in the public portion of a call report or profit and loss statement</li> </ul>
454	Texas Department of Insurance (TDI) — Division of Workers' Compensation	.C1; .M4; M-4-NP.E1; .E2; .MIO; .M1; .M2; .M3; .M5; .M7; .M8; .M9; .P1; .S1; and .S2	Workers' Compensation Cases	Tex. Labor Code §§ 402.083, .086, .092; 413.0513; Texas Gov't Code § 2003.021(c)	<ul style="list-style-type: none"> <li>Injury/information derived from comp claim</li> <li>Protected Health Information (PHI)</li> <li>Patient names/Injured workers' names</li> <li>Medical conditions/injury information</li> <li>Insurance policy numbers</li> </ul>

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454	Texas Department of Insurance (TDI) — Balance Billing cases	.BAL	Eligible “surprise bills” (see Tex. Ins. Code § 1467.051) referred to SOAH for mediation by external mediators regarding claims <u>for services provided prior to Dec. 31, 2019</u> (program at SOAH repealed by SB 1264, 86 <sup>th</sup> R.S.)	Tex. Civ. Prac. & Rem. Code §§ 154.053 and 154.073; Tex. Ins. Code § 1467.055; Tex. Gov’t Code § 2009.054; Tex. Health & Safety Code § 181.006; T.R.E. 408; and SOAH Rules at 1 Tex. Admin. Code §155.351(f)	<ul style="list-style-type: none"> <li>• Protected Health Information (PHI)</li> <li>• Patient names</li> <li>• Insurance coverage information</li> <li>• Settlement negotiations</li> </ul>
469	Texas Credit Union Department (CUD)	No suffix	Appointment of a conservator to manage a credit union's affairs	Tex. Fin. Code § 126.108	<ul style="list-style-type: none"> <li>• The conservatorship order, copy of notice, correspondence, transcript, pleading, or other document relating to the order</li> </ul>

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529	Health and Human Services Commission (HHSC)	.E; .ET; .FPS	Child protective services FY19-present	42 U.S.C. § 5106a(b)(2)(B)(viii); Tex. Fam. Code § 261.201; Tex. Human Res. Code § 40.005; DFPS Rules at 40 Tex. Admin. Code §§700.201-.209 and §702.257	<ul style="list-style-type: none"> <li>Reporter's name and all investigative report and case and hearing information</li> <li>Minors' names and other Personal Identifying Information (PII)</li> <li>Name of Individual on Central Registry</li> <li>Only certain individuals entitled to information per DFPS rules at 40 Tex. Admin. Code §§700.201-.209</li> <li>Only DFPS is authorized to release information per Tex. Fam. Code § 261.201</li> </ul>
530	Dept. of Family & Protective Services (DFPS)	.E; .ET; .FPS	Child protective services cases prior to FY19	Same as Agency 529	<ul style="list-style-type: none"> <li>Same as Agency 529</li> </ul>
644	Texas Juvenile Justice Department (TJJD)	.CO and no suffix	Suspension or revocation of juvenile justice officer's certification; Title IV-E Permanency Hearing for youth	Tex. Fam. Code §§ 58.004-.005, .007-.008	<ul style="list-style-type: none"> <li>Minors' names and other Personal Identifying Information (PII)</li> <li>Juvenile Law Enforcement Records</li> </ul>

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701	Texas Education Agency (TEA)	IDEA	Child special education services	20 U.S.C. § 1232g; 20 U.S.C. § 1417 34 C.F.R. Part 99; 34 C.F.R. § 300.508(a)(1); 34 C.F.R. § 300.506	<ul style="list-style-type: none"><li>• FERPA information</li><li>• Student name</li><li>• Student medical conditions</li><li>• Due process complaint</li><li>• Mediation, if applicable</li></ul>

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Public/Open Case Types Likely to Contain Some Confidential Information					
Agency Code	Agency Name	Suffix(es)	Public/Open Case Type	Confidentiality Statute	Description of Confidential Information
405	Department of Public Safety (DPS)		Administrative License Suspension & Revocation (ALR)	Tex. Gov't Code § 552.130; ORD-684	<ul style="list-style-type: none"> <li>• Personal Identifying Information (PII)</li> <li>• Driver's license number</li> <li>• Individual's Date of Birth</li> <li>• VIN in police reports</li> <li>• Criminal History Information</li> </ul>
451	Texas Department of Banking (DOB)	.NDS	Money Service Businesses and Death Care Industries (Prepaid Funeral Contract Sellers and Perpetual Care Cemeteries)	Tex. Fin. Code §§ 151.606, 154.055	<ul style="list-style-type: none"> <li>• Financial and other personal information of a money service business obtained by the Banking Commissioner through application, examination, investigation, or otherwise, and any related files or records</li> <li>• Information relating to the financial condition of a prepaid funeral contract seller obtained directly or indirectly by the DOB, through examination or otherwise, other than published statements.</li> </ul>
454	Texas Department of Insurance (TDI) – Texas Windstorm Insurance Appeals	.E	Insurance Claims Appeal	Tex. Gov't Code § 552.136	<ul style="list-style-type: none"> <li>• Insurance policy numbers, personal account numbers</li> </ul>

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469	Texas Credit Union Department (CUD)		Non-conservatorship credit union business affairs cases	Tex. Fin. Code § 126.002	<ul style="list-style-type: none"> <li>Information obtained directly or indirectly by the CUD in any manner, including by application or examination, concerning the financial condition or business affairs of a credit union, and the files and records of the CUD relating to that information, except a statement intended for publication</li> </ul>
473	Public Utility Commission of Texas (PUC)		Utility rate case, CCN	Tex. Gov't Code §§ 552.107(2), .110	<ul style="list-style-type: none"> <li>Pre-filed testimony and exhibits to the extent they may contain trade secret or confidential financial information or information subject to a protective order</li> </ul>
503	Texas Medical Board (TMB)	.MD; .DO	Medical licensing	Tex. Health & Safety Code § 181.006; 45 C.F.R. Parts 160, 164; Tex. Occ. Code § 164.007	<ul style="list-style-type: none"> <li>Patient names</li> <li>Protected health information</li> <li>Complaint &amp; investigative information</li> </ul>
504	Texas State Board of Dental Examiners (TSBDE)		Medical licensing	Tex. Health & Safety Code § 181.006; 45 C.F.R. Parts 160, 164; Tex. Occ. Code § 245.006	<ul style="list-style-type: none"> <li>Patient names</li> <li>Protected health information</li> <li>Investigative information</li> </ul>

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507	Texas Board of Nursing (BON)		Medical licensing	Tex. Health & Safety Code § 181.006; 45 C.F.R. Parts 160, 164; Tex. Occ. Code § 301.466	<ul style="list-style-type: none"> <li>• Patient names</li> <li>• Protected health information</li> <li>• Complaint &amp; investigative information</li> </ul>
508	Texas Board of Chiropractic Examiners (TBCE)		Medical licensing	Tex. Health & Safety Code § 181.006; 45 C.F.R. Parts 160, 164; Tex. Occ. Code § 201.206	<ul style="list-style-type: none"> <li>• Patient names</li> <li>• Protected health information</li> <li>• Complaint &amp; investigative information</li> </ul>
510	Texas Behavioral Health Executive Council (BHEC) (see HB 1501, 86 <sup>th</sup> R.S. 2019)		Medical licensing for psychologists and certain counselors and social workers on or after Sept. 1, 2020	Tex. Occ. Code § 507.205; Tex. Health & Safety Code § 181.006; 45 C.F.R. Parts 160, 164;	<ul style="list-style-type: none"> <li>• Patient names</li> <li>• Protected health information</li> <li>• Complaint &amp; investigative information</li> </ul>
513	Texas Funeral Services Commission (TFSC)		Funeral licensing	Common Law Privacy; Tex. Occ. Code § 651.2053	<ul style="list-style-type: none"> <li>• Complaint &amp; investigative information</li> </ul>

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515	Texas State Board of Pharmacy (TSBP)		Medical licensing	Tex. Health & Safety Code § 181.006; Tex. Occ. Code § 564.002; 45 C.F.R. Parts 160, 164; Tex. Occ. Code § 565.055	<ul style="list-style-type: none"> <li>• Patient names</li> <li>• Protected health information</li> <li>• Investigative information</li> </ul>
520	Texas Board of Examiners of Psychologists (now part of the BHEC)		Medical licensing prior to Sept. 1, 2020	Tex. Health & Safety Code § 181.006; 45 C.F.R. Parts 160, 164	<ul style="list-style-type: none"> <li>• Patient names</li> <li>• Protected health information</li> <li>• Investigative information</li> </ul>
522	Executive Council of Physical Therapy & Occupational Therapy (ECPTOTE)		Medical licensing	Tex. Health & Safety Code § 181.006; 45 C.F.R. Parts 160, 164	<ul style="list-style-type: none"> <li>• Patient names</li> <li>• Protected health information</li> </ul>

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529	Health and Human Services Commission (HHSC)	.ADS	Aging and Disability Services	Tex. Health & Safety Code §§ 181.006, 260A.008; ORD-684	<ul style="list-style-type: none"> <li>• A report, record, or working paper used or developed in an investigation into abuse, neglect, or exploitation allegations at nursing and assisted-living facilities, other health facilities, and pediatric extended care centers</li> <li>• Name, address, and phone number of any person making a report</li> <li>• Personal Identifying Information</li> <li>• Patient names</li> <li>• Protected health information</li> </ul>
551	Texas Department of Agriculture (TDA)	.FP	CACFP Food Program	Common Law Privacy; Tex. Human Res. Code §§ 12.003, 21.012	<ul style="list-style-type: none"> <li>• Adult and minor client names</li> <li>• Personal Identifying Information or Sensitive Personal Information about clients</li> </ul>

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582	Texas Commission on Environmental Quality (TCEQ)		Environmental permitting	Tex. Gov't Code §§ 552.107(2), .110	<ul style="list-style-type: none"><li>• Pre-filed testimony and exhibits to the extent they may contain trade secret or confidential financial information or information subject to a protective order</li></ul>
701	Texas Education Agency (TEA)	.EC	Educator Certification	20 U.S.C. § 1232g and 34 C.F.R. Part 99	<ul style="list-style-type: none"><li>• Student Name and other FERPA Information</li></ul>

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