



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">• All communications and records with the parties regarding mediation/settlement negotiations
	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">• 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
	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">• All information relating to the criminal court case

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	All Agencies		Enforcement or licensure case based solely on licensee's substance abuse and treatment	42 C.F.R. Part 2	<ul style="list-style-type: none">• The Federal Substance Use Disorder (SUD) confidentiality law (Part 2) protects any information concerning a patient who applied for or received drug/alcohol abuse-related services from a covered program. SUD treatment information may only be disclosed with express patient authorization or a court order that meets strict federal criteria (42 C.F.R. § 2.69).• As a precaution against violating patient confidentiality, all enforcement cases that potentially involve the disclosure of SUD treatment information are treated as confidential.
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">• Information concerning a participant in the retirement system; exempt from the public information provisions of Chapter 552
100	Texas Municipal Retirement System (TMRS)	No suffix	Benefits	Tex. Gov't Code § 855.115	<ul style="list-style-type: none">• Information about members, retirees, annuitants, or beneficiaries; exempt from the public information provisions of Chapter 552

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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">• Personal Identifying Information (PII)• Social Security Numbers• Date of Birth• Names of Minors
304	Comptroller of Public Accounts (CPA)	All suffixes except .PVS	Tax	Tex. Gov't Code § 2003.104	<ul style="list-style-type: none">• Taxpayer Name• Taxpayer ID Number
323	Teacher Retirement System of Texas (TRS)	No suffix	Benefits	Tex. Gov't Code § 825.507	<ul style="list-style-type: none">• Records of or about a member, former member, retiree, annuitant, beneficiary or alternate payee; exempt from the public information provisions of Chapter 552
327	Employee Retirement System of Texas (ERS)	No suffix	Benefits	Tex. Gov't Code § 815.503(a)	<ul style="list-style-type: none">• Records of members, retirees, annuitants, or beneficiaries and alternate payees; exempt from the public information provisions of Chapter 552
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">• 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

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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">Information contained in records that are in the custody of a retirement system concerning an individual member, retiree, annuitant, or beneficiary
407	Texas Commission on Law Enforcement (TCOLE)	.F5	Change F-5 Discharge Designation	Tex. Occ. Code § 1701.454	<ul style="list-style-type: none">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
407	Texas Commission on Law Enforcement (TCOLE)	.FFD	Fitness for Duty Hearing	Tex. Occ. Code § 1701.167(i)-(j)	<ul style="list-style-type: none">Records related to a fitness-for-duty hearing or examination, including the reason for the examination and the identity of the person who reported the license holder, are confidential and not subject to disclosure.

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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">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 informationConfidential information that may be included: Peace officer's personal contact information and TCOLE PID numbers
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">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 reportsCredit history informationConfidential information obtained from the Nationwide Mortgage Licensing System and Registry information

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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">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 affiliateDoes not include information in a published statement or in the public portion of a call report or profit and loss statement
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">Injury/information derived from comp claimProtected Health Information (PHI)Patient names/Injured workers' namesMedical conditions/injury informationInsurance policy numbers

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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 th 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">• Protected Health Information (PHI)• Patient names• Insurance coverage information• Settlement negotiations
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">• The conservatorship order, copy of notice, correspondence, transcript, pleading, or other document relating to the order

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529	Health and Human Services Commission (HHSC)	.CCR	Childcare Licensing cases relating to allegations and findings of child abuse/neglect	HHSC Rules at 26 Tex. Admin. Code §§745.8481-.8497	<ul style="list-style-type: none">• Reporter's name and the identity of witnesses.• Personal identifying information of details of childcare licensing applicants, permit holders, or administrators, including their home address, home phone number, email, Social Security number, date of birth, driver's license number.• Criminal history information.• Open investigations, including interview information.• Records from other agencies (such as DFPS) that may be confidential by law.• Child records, including photographs or video, that may identify a child.
529	Health and Human Services Commission (HHSC)	.EMR	Hearings related to the HHSC Employee Misconduct Registry	Tex. Hum. Res. Code § 48.101	<ul style="list-style-type: none">• Abuse/neglect/exploitation reports, the reporter's identity, and all investigation records are confidential. Disclosure is limited to purposes consistent with Human Resources Chapter 48, agency rule, and federal law.• Although not all .EMR cases involve abuse, neglect, or exploitation, most do. SOAH treats all EMR cases as confidential because the majority involve abuse, neglect, or exploitation.

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529	Health and Human Services Commission (HHSC)	.E; .ET; .FPS	Child protective services FY19-24	Same as DFPS child protective services cases under Agency 530	<ul style="list-style-type: none">• Same as DFPS child protective services cases under Agency 530
529	Health and Human Services Commission (HHSC)	.810	Hearings relating to the denial of licensure, certification, or contracts due to ineligibility based on use of SEMARC.	Tex. Health & Safety Code § 810.010	<ul style="list-style-type: none">• All information contained in the Search Engine for Multiagency Reportable Misconduct (SEMARC), including additional information and documents shared by a participating agency, is confidential and not subject to disclosure.

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530	Dept. of Family & Protective Services (DFPS)	.E; .ET; .FPS	Child protective services cases prior to FY19	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">Reporter's name and all investigative report and case and hearing informationMinors' names and other Personal Identifying Information (PII)Name of Individual on Central RegistryOnly certain individuals entitled to information per DFPS rules at 40 Tex. Admin. Code §§700.201-.209Only DFPS is authorized to release information per Tex. Fam. Code § 261.201
530	Dept. of Family & Protective Services (DFPS)	DFPS and no suffix	Child protective services cases FY 25 to 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">Reporter's name and all investigative report and case and hearing informationMinors' names and other Personal Identifying Information (PII)Name of Individual on Central RegistryOnly certain individuals entitled to information per DFPS rules at 40 Tex. Admin. Code §§700.201-.209Only DFPS is authorized to release information per Tex. Fam. Code § 261.201

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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">• Minors' names and other Personal Identifying Information (PII)• Juvenile Law Enforcement Records

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644	Texas Juvenile Justice Department (TJJD)	.810	Hearings relating to the denial of licensure, certification, or contracts due to ineligibility based on use of SEMARC.	Tex. Health & Safety Code § 810.010	<ul style="list-style-type: none">All information contained in the Search Engine for Multiagency Reportable Misconduct (SEMARC), including additional information and documents shared by a participating agency, is confidential and not subject to disclosure.
701	Texas Education Agency (TEA)	.810	Hearings on the denial of licensure, certification, or contracts under Chapter 810 of the Health & Safety Code based on SEMARC.	Tex. Health & Safety Code § 810.010	<ul style="list-style-type: none">All information contained in the Search Engine for Multiagency Reportable Misconduct (SEMARC), including additional information and documents shared by a participating agency, is confidential and not subject to disclosure.

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701	Texas Education Agency (TEA)	.22A	Hearings relating to alleged misconduct by educators and educational service providers under Chapter 22A of the Education Code.	Tex. Ed. Code § 22A.002	<ul style="list-style-type: none">• All materials (complaints, records, reports, etc.) related to TEA/SBEC investigation of misconduct concerning an educational provider's employee, contractor, or service provider are confidential and not subject to disclosure.
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">• FERPA information• Student name• Student medical conditions• Due process complaint• Mediation, if applicable

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Public/Open Case Types Likely to Contain Some Confidential Information					
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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">• Personal Identifying Information (PII)• Driver's license number• Individual's Date of Birth• VIN in police reports• Criminal History Information

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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">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 recordsInformation 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.
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">Insurance policy numbers, personal account numbers
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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"> 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
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"> Pre-filed testimony and exhibits to the extent they may contain trade secret or confidential financial information or information subject to a protective order
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"> Patient names Protected health information Complaint & investigative information
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"> Patient names Protected health information Investigative information
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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"> • Patient names • Protected health information • Complaint & investigative information
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"> • Patient names • Protected health information • Complaint & investigative information
510	Texas Behavioral Health Executive Council (BHEC) (see HB 1501, 86 th 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"> • Patient names • Protected health information • Complaint & investigative information
513	Texas Funeral Services Commission (TFSC)		Funeral licensing	Common Law Privacy; Tex. Occ. Code § 651.2053	<ul style="list-style-type: none"> • Complaint & investigative information
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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"> • Patient names • Protected health information • Investigative information
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"> • Patient names • Protected health information • Investigative information
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"> • Patient names • Protected health information
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Guide to Confidential Cases and Information at SOAH

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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">• 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• Name, address, and phone number of any person making a report• Personal Identifying Information• Patient names• Protected health information
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">• Adult and minor client names• Personal Identifying Information or Sensitive Personal Information about clients
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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">• Pre-filed testimony and exhibits to the extent they may contain trade secret or confidential financial information or information subject to a protective order
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">• Student Name and other FERPA Information

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