



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 26, 2011

Lieutenant William T. Edmundson
Records Division
Pharr Police Department
1900 South Cage
Pharr, Texas 78577-6751

OR2011-01351

Dear Lieutenant Edmundson:

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# 407336.

The Pharr Police Department (the "department") received a request for the investigative report related to the death of a named individual. You state the department has released some information to the requestor. You claim the remaining information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor states she is requesting the submitted report on behalf of the Hidalgo/Starr Child Fatality Review Team. Subchapter F of chapter 264 of the Family Code relates to child fatality review and investigation. *See* Fam. Code § 264.501 *et seq.* The purpose and duties of a child fatality review team include "decreas[ing] the incidence of preventable child deaths by . . . developing an understanding of the causes and incidence of child deaths in the county or counties in which the review team is located[.]" *Id.* § 264.506(a)(3). A child fatality review team is required to "meet on a regular basis to review child fatality cases and recommend methods to improve coordination of services and investigations between agencies that are represented on the team[.]" *Id.* § 264.506(b)(2). Furthermore, section 264.508 provides "[t]he review team of the county in which the injury, illness, or event that was the cause of the death of the child occurred, as stated on the child's

death certificate, shall review the death.” *Id.* § 264.508(a). Section 264.509 provides in relevant part:

(a) A review team may request information and records regarding a deceased child as necessary to carry out the review team’s purpose and duties. Records and information that may be requested under this section include:

(1) medical, dental, and mental health care information; and

(2) information and records maintained by any state or local government agency, including:

(A) a birth certificate;

(B) law enforcement investigative data;

(C) medical examiner investigative data;

(D) juvenile court records;

(E) parole and probation information and records; and

(F) child protective services information and records.

(b) On request of the presiding officer of a review team, the custodian of the relevant information and records relating to a deceased child shall provide those records to the review team at no cost to the review team.

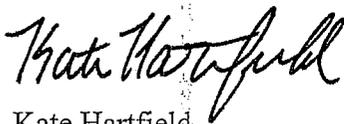
Id. § 264.509(a), (b). The submitted information consists of law enforcement investigative data and child protective services records relating to the investigation of the death of a child. Section 264.509(a) provides that a child fatality review team shall have access to law enforcement records and child protective services information and records as necessary to conduct its duties. Section 264.509(b) states that, upon request of the presiding officer of the review team, the custodian of the “relevant information and records” shall provide the records to the review team. The requestor is the presiding officer of the child fatality review team, accordingly, she has a right of access to the submitted information under section 264.509(b) of the Family Code. Although you seek to withhold the submitted information under section 552.108 of the Government Code, we note exceptions in the Act cannot impinge on a statutory right of access to information. *See* Open Records Decision Nos. 613 at 4, (1993); *see also* Open Records Decision No. 451 (1986) (specific statutory right of access provisions overcome general exceptions to disclosure under the Act).

Consequently, the department may not withhold the submitted information from this requestor under section 552.108 of the Government Code. Accordingly, the department must release the submitted information to this requestor pursuant to section 264.509(b) of the Family 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, 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,



Kate Hartfield
Assistant Attorney General
Open Records Division

KH/em

Ref: ID# 407336

Enc. Submitted documents

c: Requestor
(w/o enclosures)