



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 19, 2016

Mr. Mack T. Harrison
Assistant General Counsel
Texas Department of State Health Services
1100 West 49th Street, M-525
Austin, Texas 78756-3199

OR2016-21079

Dear Mr. Harrison:

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# 633209 (DSHS OR# 26369/2016).

The Texas Department of State Health Services (the "department") received a request for a specified death certificate. You claim the submitted information is excepted from disclosure under section 552.115 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.115 of the Government Code provides, in pertinent part,

(a) A birth or death record maintained by the bureau of vital statistics of the Texas Department of Health or a local registration official is excepted from [required disclosure], except that:

...

¹We note the department failed to comply with section 552.301 of the Government Code in requesting a ruling; however, section 552.115 of the Government Code is a mandatory exception that constitutes a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.007, .301, .302, .352. Accordingly, we will consider the department's argument under section 552.115.

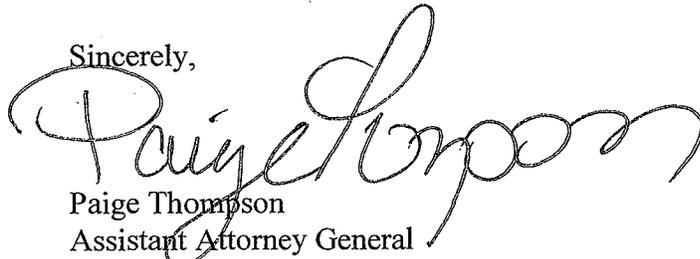
(2) a death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with the bureau of vital statistics or local registration official[.]

Gov't Code § 552.115(a)(2). You state the submitted information is maintained by the department's vital statistics unit. We note the 25th anniversary of the date of death has not yet occurred. Accordingly, the department must withhold the submitted death certificate under section 552.115 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.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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 633209

Enc. Submitted documents

c: Requestor
(w/o enclosures)