



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 26, 2017

Ms. Barbara L. Klein
Deputy General Counsel
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2017-11601

Dear Ms. Klein:

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# 659520 (DSHS OR File No. 26983/2017).

The Texas Department of State Health Services (the "department") received a request for information pertaining to the birth record of the requestor's client. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.115 of the Government Code.¹ We have considered the exceptions 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 vital statistics unit of the [department] or a local registration official is excepted from [required disclosure], except that:

¹We note, and you acknowledge, the department did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b), (e). Nonetheless, because sections 552.101 and 552.115 of the Government Code can provide compelling reasons to overcome the presumption of openness, we will consider their applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

(1) a birth record is public information and available to the public on and after the 75th anniversary of the date of birth as shown on the record filed with the vital statistics unit or local registration official[.]

Gov't Code § 552.115(a)(1). You state the submitted information is maintained by the department's vital statistics unit. Further, the 75th anniversary of the date of birth has not yet occurred. Accordingly, the department must withhold the submitted information under section 552.115 of the Government Code.²

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,



Emily Kunst
Assistant Attorney General
Open Records Division

EK/eb

Ref: ID# 659520

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address your remaining argument against disclosure.