



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 13, 2020

Mr. Mark C. Kratovil  
Assistant Criminal District Attorney  
Tarrant County  
401 West Belknap, 9th Floor  
Fort Worth, Texas 76196-0201

OR2020-25568

Dear Mr. Kratovil:

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# 848389.

Tarrant County (the "county") received a request for all death certificates indicating a specified cause of death during a stated time period. You claim the submitted information is excepted from disclosure under section 552.115 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.115(a)(2) of the Government Code provides,

(a) A . . . death record maintained by the vital statistics unit of the [Texas Department of State Health Services ("the department")] or a local registration official is excepted from [required public disclosure], except that:

. . .

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<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(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 vital statistics unit or local registration official, except that if the decedent is unidentified, the death record is public information and available to the public on and after the first anniversary of the date of death[.]

Gov't Code § 552.115(a)(2). Section 552.115 is applicable only to information maintained by the vital statistics unit or a local registration official. *See* Open Records Decision No. 338 (1982). You state the submitted death certificates are maintained by the county's local registration official in the vital statistics division. You represent the death certificates are not older than twenty-five years for an identified decedent or one year for an unidentified decedent. Based upon these representations, we find the county must withhold the submitted death certificates under section 552.115 of the Government Code. *See* Health & Safety Code § 191.022(b) (municipal clerk or secretary is local register of births and deaths in a municipality with population of 2,500 or more).

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

James M. Graham  
Assistant Attorney General  
Open Records Division

JMG/jm

Ref: ID# 848389

Enc. Submitted documents

c: Requestor  
(w/o enclosures)