



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 10, 2020

Mr. Richard R. Mosquera
Chief Compliance
Galveston County Health District
P.O. Box 939
La Marque, Texas 77568

OR2020-28328

Dear Mr. Mosquera:

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# 853250.

The Galveston County Health District (the "district") received a request for a specified death record. You claim the submitted information is excepted from disclosure under section 552.115 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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:

. . .

(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 certificate is maintained by the district, which is the county's vital statistics unit. You represent the death certificate is not older than twenty-five years, and the decedent is identified. Based upon these representations, we find the district 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 <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,

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/gw

Ref: ID# 853250

Enc. Submitted documents

c: Requestor
(w/o enclosures)