



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 15, 2022

Ms. Derenda Rush  
Records Division  
City of Amarillo Police Department  
200 Southeast Third Avenue, Fourth Floor  
Amarillo, Texas 79101-1514

OR2022-17290

Dear Ms. Rush:

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# 954032.

The Amarillo Police Department (the "department") received a request for a particular police report involving the death of a named individual. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor is a representative of the Texas Department of State Health Services ("DSHS") Texas Maternal Mortality and Morbidity Review Committee (the "review committee"). The requestor asserts the review committee has a right of access to the requested information under section 34.008 of the Health and Safety Code. The review committee is a multidisciplinary advisory committee administered by DSHS that studies and reviews information related to cases of pregnancy-related deaths and severe maternal morbidity. *See* Health & Safety Code §§ 34.002(a)-(b), .005. Pursuant to section 34.007, DSHS determines a statistically significant number of pregnancy-related death cases and randomly selects such cases for review by the review committee, and analyzes aggregate data of severe maternal morbidity to identify trends and, if feasible, selects severe maternal morbidity cases for review. *See id.* § 34.007. Section 34.008 provides, in relevant part, the following:

- (a) On selecting a case of pregnancy-related death or severe maternal morbidity for review, [DSHS] shall, in accordance with this section, obtain

information relevant to the case to enable the review committee to review the case. [DSHS] shall provide the information to the review committee.

...

(c) On the request of [DSHS], a hospital, birthing center, or other custodian of the requested information shall provide the information to [DSHS]. The information shall be provided without the authorization of the patient or, if the patient is deceased, without the authorization of the patient's family.

*Id.* § 34.008(a), (c). Thus, DSHS has a right of access to information pertaining to cases of pregnancy-related death or severe maternal morbidity. Section 34.001 of the Health and Safety Code provides, in relevant part, the following:

(8) "Maternal morbidity" means a pregnancy-related health condition occurring during pregnancy, labor, or delivery or within one year of delivery or end of pregnancy.

...

(12) "Pregnancy-related death" means the death of a woman while pregnant or within one year of delivery or end of pregnancy, regardless of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes.

(13) "Severe maternal morbidity" means maternal morbidity that constitutes a life-threatening condition.

*Id.* § 34.001(8), (12), (13). We note the cause of death for the named individual was negligent manslaughter. Further, the information the department submitted to this office failed to demonstrate, and we are unable to determine, the submitted information is relevant to a case of pregnancy-related death or severe maternal morbidity. Consequently, in this instance, we find the requestor has not established a right of access to the submitted information pursuant to section 34.008 of the Health and Safety Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by other statutes, such as section 261.201 of the Family Code, which provides, in relevant part:

(a) [T]he following information is confidential, is not subject to public release under [the Act], and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). Upon review, we find the submitted information was used or developed in an investigation of alleged child abuse or neglect under chapter 261 of the Family Code. *See id.* §§ 101.003(a) (defining “child” for purposes of section 261.201), 261.001(1), (4) (defining “abuse” and “neglect” for purposes of section 261.201 of Family Code). You have not indicated the department has adopted a rule governing the release of this type of information. Therefore, we assume no such regulation exists. Given that assumption, the submitted information is confidential under section 261.201 of the Family Code, and the department must withhold it under section 552.101 of the Government Code on that basis.<sup>1</sup>

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,

Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/eb

Ref: ID# 954032

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup> As our ruling is dispositive, we need not address your argument against disclosure of the submitted information.