



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 29, 2022

Ms. Hannah Bell  
Assistant Criminal District Attorney  
Tarrant County  
401 West Belknap Street  
Fort Worth, Texas 76196

OR2022-26185

Dear Ms. Bell:

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# 966176.

The Tarrant County Public Health Department (the "department") received two requests from the same requestor for information pertaining to the Tarrant County Fetal Infant Mortality Review Team. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample information.<sup>1</sup> We have received and considered comments from an interested third party. *See* Gov't Code § 552.304 (interested third party may submit comments stating why information should or should not be released).

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 protected by chapter 674 of the Health and Safety Code, which regulates fetal and infant mortality review teams established by local health authorities, such as the department. Section 674.007 of the Health and Safety Code provides, in part:

---

<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 those records contain substantially different types of information than that submitted to this office.

(a) Information is confidential for purposes of this chapter if the disclosure of the information would compromise the privacy of the decedent or the decedent's family. Confidential information includes any information pertaining to the decedent's death.

(b) Confidential information that is acquired by the review team and that permits the identification of an individual or health care provider is privileged and may not be disclosed to any person except to the extent necessary to carry out the purposes of the review team. Information that may not be disclosed under this subsection includes:

- (1) names and addresses of the decedent or the decedent's family;
- (2) services received by the decedent or the decedent's family;
- (3) the social and economic condition of the decedent or the decedent's family;
- (4) medical, dental, and mental health care information related to the decedent or the decedent's family, including diagnoses, conditions, diseases, or disability; and
- (5) the identity of health care providers that provided services to the decedent or the decedent's family.

(c) Review team work product and information obtained by a review team, including files, records, reports, records of proceedings, recommendations, meeting notes, records of interviews, statements, and memoranda, are confidential and are not subject to disclosure under Chapter 552, Government Code. This subsection does not prevent a review team from releasing information described by Subsection (d) or (e).

(d) Information is not confidential under this section if the information is general information that cannot be connected with any specific individual, case, or health care provider, such as:

- (1) total expenditures made for specified purposes;
- (2) the number of families served by particular health care providers or agencies;
- (3) aggregated data on social and economic conditions;
- (4) medical data and information related to health care services that do not include any identifying information relating to a decedent or the decedent's family; and
- (5) other statistical information.

(e) A review team may publish statistical studies and research reports based on information that is confidential under this section, provided that the information published may not identify a decedent or the decedent's family and may not include any information that could be used to identify a decedent or the decedent's family.

Health & Safety Code § 674.007(a)-(e). Upon review, we agree portions of the submitted are confidential under section 674.007 of the Health and Safety Code. Accordingly, the department must withhold the information we indicated under section 552.101 of the

Government Code in conjunction with section 674.007 of the Health and Safety Code. However, the remaining information consists of general information that cannot be connected with any specific individual, case, or health care provider, and, thus, this information is excluded from confidentiality under section 674.007(d) of the Health and Safety Code. Accordingly, the remaining information may not be withheld under section 552.101 of the Government Code in conjunction with section 674.007 of the Health and Safety Code. As you raise no further exceptions to disclosure, the remaining information must be released to the requestor.

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,

Cesar Mata  
Attorney  
Open Records Division

CM/mo

Ref: ID# 966176

Enc. Submitted documents

c: Requestor  
(w/o enclosures)