



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 10, 2011

Mr. Marc Allen Connelly  
Deputy General Counsel  
Department of State Health Services  
P.O. Box 149347  
Austin, Texas 78714-9347

OR2011-02041

Dear Mr. Connelly:

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# 408981 (DSHS File 18281-2011).

The Texas Department of State Health Services (the "department") received a request for information pertaining to people born on a specified date in Dallas County, Texas. You state you have released or will release some of the requested information. 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 information.

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 exception encompasses information other statutes make confidential. You raise section 552.101 in conjunction with section 181.23(b)(3) of title 25 of the Texas Administrative Code which provides:

(b) Birth indexes.

...

(3) A summary birth index maintained or established by the bureau of vital statistics or a local registration official shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the

county of occurrence, and sex of the registrant. A summary birth index or any listings of birth records are not available to the public for searching or inspection if the fact of adoption or paternity determination can be revealed from specific identifying information.

25 T.A.C. § 181.23(b)(3). Thus, section 181.23 of title 25 of the Texas Administrative Code prescribes the format of summary birth indexes required to be compiled and maintained by the bureau of vital statistics and local registrars. You acknowledge the submitted information consists of a summary birth index created by the department's Vital Statistics Unit. We note a summary birth index is public information. See Gov't Code § 552.115(a)(4). In this instance, you argue release of the submitted information "may reveal identifying information such as an adoption or paternity." However, upon review we find the documents do not reflect, and you have not adequately explained, how the information at issue reveals an adoption or paternity. Therefore, as you raise no other exceptions against disclosure, the department must release the submitted summary birth index 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 [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/vb

Ref: ID# 408981

Enc. Submitted documents

c: Requestor  
(w/o enclosures)