



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 25, 2011

Mr. Daniel Presley
Government Liason
Office of the City Manager
City of Texarkana
P.O. Box 1967
Texarkana, Texas 75504

OR2011-02809

Dear Mr. Presley:

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# 410069.

The City of Texarkana (the "city") received a request for the death certificate for a named individual. You claim the submitted death certificate 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 of the Government Code excepts from disclosure "[a] birth or death record maintained by the bureau of vital statistics of the Texas Department of Health or a local registration official[.]" Gov't Code § 552.115(a). Section 552.115 is applicable only to information maintained by the bureau of vital statistics or local registration official. *See* Open Records Decision No. 338 (1982) (finding statutory predecessor to section 552.115 excepted only those birth and death records maintained by bureau of vital statistics and local registration officials). Because section 552.115 does not apply to information held by the city, the submitted death certificate may not be withheld on this basis. As you raise no other exception to disclosure, the city must release the submitted death certificate.

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, 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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 410069

Enc. Submitted documents

c: Requestor
(w/o enclosures)