



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 30, 2014

Mr. Timothy E. Bray
Deputy General Counsel
Office of General Counsel
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2014-13182

Dear Mr. Bray:

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# 530949 (DSHS OR File 22929/2014).

The Texas Department of State Health Services (the "department") received a request for information regarding the adoption of a named individual. You claim the requested 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 section encompasses information protected by other statutes. You assert the submitted information is confidential under section 108.003 of the Family Code. Chapter 108 of the Family Code is entitled "Central Record File; Vital Statistics." *See* Fam. Code §§ 108.001-.110. Section 108.003, "Transmittal of Information Regarding Adoption," provides, in relevant part:

(a) The clerk of a court that renders a decree of adoption shall, not later than the 10th day of the first month after the month in which the adoption is rendered, transmit to the central registry of the bureau of vital statistics certified report of adoption[.]

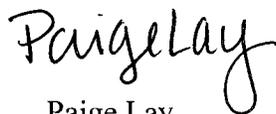
(b) Except as otherwise provided by law, for good cause shown, or on an order of the court that granted the adoption or terminated the proceedings under Section 155.001 [of the Family Code], the records concerning a child maintained by the district clerk after rendition of a decree of adoption, the records of a child-placing agency that has ceased operations, and the records required under this section to be maintained by the bureau of vital statistics are confidential, and no person is entitled to access to or information from these records.

Id. § 108.003(a), (b). You explain the department's Vital Statistics Unit is responsible for the state's central registry of certified reports of adoption. You state the requested information consists of records maintained by the department's Vital Statistics Adoption Registry. You also state the requestor does not fit any of the exceptions to the law or rules governing access to adoption records. *See id.* § 108.003(b); *see also id.* § 162.006 (requiring prospective adoptive parents to be informed of right to examine certain information related to adoptions); *id.* § 162.018 (providing adoptive parents and adopted children access to certain information regarding adoptions). Further, we are unaware of any law, court order, or other determination of "good cause," requiring release of the submitted information in this instance. *See id.* § 108.003(b). Accordingly, based on your representations and our review of the submitted information, we conclude the submitted information is confidential under section 108.003(b) of the Family Code and must be withheld under section 552.101 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 http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 530949

Enc. Submitted documents

c: Requestor
(w/o enclosures)