



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 5, 1991

Ms. C. Patrice Savage  
Criminal District Attorney's Office  
Gregg County  
101 East Methvin Street, Suite 333  
Longview, Texas 75601

OR91-626

Dear Ms. Savage:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14120.

You have received a request for information relating to a certain incident of aggravated assault. Specifically, the requestor seeks:

Copies of the entire police report and district attorney's office investigative file relating to an aggravated assault which occurred on April 8, 1991 at approximately 11:00 p.m. . . . ; Case No. 910-5571.

You have submitted to us for review the entire requested file. You claim the entire file is excepted from required public disclosure by common-law privacy as incorporated by section 3(a)(1) into the Open Records Act. You have marked portions of the file, which you claim are excepted by section 3(a)(8), the law enforcement exception.

Open Records Decision No. 440 (1986) held that records of an investigation into allegations of sexual abuse of children are excepted from disclosure in cases in which such records are made part of a Texas Department of Human Services

investigation under chapter 34 of the Family Code. Section 34.08(a) of the Family Code provides for the confidentiality of records related to such investigations:

the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

*See also* OR91-567 (relating to a request for the same information).

You have informed us that the records sought in this instance consist of reports, records, and working papers used or developed in an investigation under chapter 34 and that the department has no rules that provide for the public release of information involving investigations of child abuse. Because exceptions to nondisclosure provided for in section 34.08 do not appear to apply here, we conclude that the requested information is excepted from required public disclosure by section 3(a)(1) of the Open Records Act and must be withheld in its entirety. As your request is resolved by statute, we need not address the applicability of section 3(a)(8) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-626.

Yours very truly,



Kym Oltrogge  
Assistant Attorney General  
Opinion Committee

KO/GK/lcd

Enclosures: OR91-567

Ref.: ID#s 14120, 14287

cc: Mr. Steven T. Baron  
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100 Congress Ave., Suite 1800  
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(w/o enclosures)