



Office of the Attorney General  
State of Texas

August 3, 1992

DAN MORALES  
ATTORNEY GENERAL

Mr. Paul Stuckle  
Police Legal Advisor  
Assistant City Attorney  
City of Fort Worth  
350 W. Belknap Street  
Fort Worth, Texas 76102

OR92-428

Dear Mr. Stuckle:

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# 9989.

You have received a request for information relating to the arrest of the requestor for aggravated sexual assault. Specifically, the requestor seeks "a copy of my Police Report in offense # 88629363 . . . [and] a copy of the arrest warrant." You have submitted to us for review a complete copy of the requested information and another copy from which the name of the victim and the description of the incident has been deleted. You claim that the deleted information is excepted from required public disclosure by common-law privacy as incorporated by section 3(a)(1) into the Open Records Act. Because you do not comment on the requested arrest warrant, we presume it has been or will be made available to the requestor.

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 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.

It appears from the face of the documents submitted to us for review that the records sought in this instance consist of "reports, records, and working papers used or developed in an investigation" under chapter 34 of the Family Code. Exceptions to non-disclosure provided for in section 34.08 do not appear to apply here. Provided that the Fort Worth Police Department has no rules providing for the public release of information involving investigations of child abuse, the requested information must be withheld in its entirety under section 3(a)(1) of the Open Records Act.

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 OR92-428.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GCK/lmm

Ref.: ID# 9989