



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 20, 1996

Mr. Claud H. Drinnen
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR96-0208

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38357.

The City of Amarillo (the "city") received a request for police department investigation reports and field interview documentation or reports concerning a certain individual. In response to this request, you say the city released to the requestor Investigation Report No. 87-24247 with deletions of all information that identifies the victim. You ask whether the deleted information is excepted from required public disclosure pursuant to section 552.101 of the Government Code in conjunction with the common-law right to privacy and section 262.201 of the Family Code.

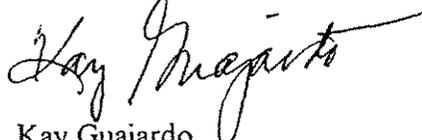
We agree that the information you deleted is excepted from required public disclosure under section 552.101 in conjunction with the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).¹ Accordingly, the city must withhold the information that identifies the victim.

¹For future requests, we note that section 262.201 of the Family Code would make confidential the entire report. Section 262.201(a) reads as follows:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 38357

Enclosures: Submitted documents

cc: Ms. Mary Mitchell
Legal Assistant to Kelly Utsinger
Underwood, Wilson, Berry, Stein & Johnson, P.C.
P.O. Box 9158
Amarillo, Texas 79105-9158
(w/o enclosures)

(Footnote continued)

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

We believe the requested information is a report used or developed in an investigation under chapter 261 of the Family Code. Unless the city has adopted a specific rule with regard to the release of this type of information, we believe that the entire report would be confidential pursuant to section 262.201 of the Family Code. See Open Records Decision No. 440 (1986) at 2 (predecessor statute).