



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 29, 1996

Mr. C. Ed Davis
Deputy Director for Legal Services
Texas Department of Protective and
Regulatory Services
P.O. Box 149030
Austin, Texas 78714-9030

OR96-0630

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39252.

The Texas Department of Protective and Regulatory Services (the "department") received a request for "all the information regarding [the department's] investigation at the Meridell Achievement Center Westwood Campus based on July 12th 1995 report of possible non-compliance involving former Meridell Mental Health technician Diane Harper." You claim that the requested information should be excepted from required public disclosure under section 552.101 of the Government Code. We have considered the arguments you raise and reviewed the information at issue.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. You claim that section 261.201 of the Family Code makes the requested information confidential. Section 261.201(a) provides:

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:

(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.*

The records requested were developed during a child abuse investigation. Therefore, the requested documents are confidential under section 261.201(a)(2) and must be withheld under section 552.101 of the Government Code.¹

We are resolving this matter with an 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 should 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,



Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 39252

Enclosures: Submitted documents

cc: Mr. Greg Groogan
KVUE-TV, Inc.
P.O. Box 9927
Austin, Texas 78766-0927
(w/o enclosures)

¹Because we feel that all the information is confidential under section 261.201(a)(2), we do not address your arguments that some of the "facility monitoring information," which you contend may be releasable under the department's regulations, is "so inextricably intertwined [with the investigation of abuse and neglect information] that it is impossible to separate them."