



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 20, 1997

Ms. Judith A. Hunter
Paralegal
City Attorney's Office
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR97-0582

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 104459.

The City of Georgetown (the "city") received a request for "any and all reports, documents, notes or any other information pertaining to an incident on 12-8-96 at Walmart, Georgetown, 900 S I-35 involving Richard Sartini and/or Dante Sartini." You state the city has released the service report regarding the incident after redacting information identifying the informant. You assert that the identity of the individual reporting the incident is excepted from disclosure under section 552.101 of the Government Code through the informer's privilege. We have considered your argument and have reviewed the document submitted.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. This section encompasses information protected by other statutes. We believe the requested information falls under the scope of section 261.201(a) of the Family Code, which provides:

[t]he 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 [of a child] made under this chapter and the identity of the person making the report;

(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 other provisions of section 261.201 do not appear to apply here. We are not aware of any rules promulgated by the city which permit the dissemination of this type of information. Accordingly, we conclude that the information requested is made confidential by section 261.201 of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code. As we resolve this matter under the Family Code, we need not address your argument concerning the informer's privilege.

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 104459

Enclosures: Submitted documents

cc: Richard Sartini
4308 Miramar Dr.
Georgetown, Texas 78628
(w/o enclosures)