



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1997

Mr. G. Chadwick Weaver  
First Assistant City Attorney  
City of Midland  
P.O. Box 1152  
Midland, Texas 79702-1152

OR97-0993

Dear Mr. Weaver:

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# 106088.

The Midland Police Department (the "department") received an open records request for the records pertaining to an alleged sexual assault of a child. You seek to withhold the requested records pursuant to common-law privacy and the informer's privilege as incorporated into section 552.101 of the Government Code. Because we resolve your request on grounds other than those you have raised with this office, we need not address your particular arguments.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201(a) of the Family Code 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 [of a child] 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.* [Emphasis added.]

You have not informed this office of any rules the department has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of sexual assault of a child, this office concludes that the department must withhold the requested records in their entirety pursuant to section 261.201 of the Family Code.<sup>1</sup>

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/RWP/alg

Ref.: ID# 106088

Enclosures: Submitted documents

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<sup>1</sup>We note, however, that a parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect may be entitled, at least, to view the records of the investigation conducted by the Texas Department of Protective and Regulatory Services. See Fam. Code § 261.201(f).