



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 6, 1998

Mr. Sim W. Goodall
Police Legal Advisor
City of Arlington
620 W. Division Street
P.O. Box 1065
Arlington, Texas 76004-1065

OR98-0361

Dear Mr. Goodall:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112392.

The Arlington Police Department (the "department") received a request for a copy of the offense report generated during the investigation of the sexual assault of a child. You assert that the requested information is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code and under common-law privacy.

Section 552.101 of the Government Code exempts information from required public disclosure when the information is confidential by law. Subsection (a) of section 262.201 of the Family Code provides:

(a) 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 . . . [the Family] 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 . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under . . .

chapter [261 of the Family Code] or in providing services as a result of an investigation.

You inform this office that the requested information was used and developed by the department in a child abuse investigation. You submitted to this office the requested information which consists of "reports, records, communications . . . and working papers used or developed" in an investigation made under chapter 261 of the Family Code. Upon review of this information, we conclude it may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the department, which is the agency that investigated the allegation. Since you have not informed this office that the department has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref: ID# 112392

Enclosures: Submitted documents

cc: Mr. Clifford D. Womack
Attorney at Law
110 W. Pioneer Parkway # 114
Arlington, Texas 76010
(w/o enclosures)

¹Since section 261.201(a) makes the information at issue confidential, we need not address your other arguments against disclosure.