



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 29, 1998

Ms. Katheryn H. West  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-2337

Dear Ms. West:

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# 118274.

The Dallas Police Department (the "department") received a request for supplements two and three to a report filed May 8, 1998 and assigned number 0342372-G. You contend that the requested information is excepted from disclosure pursuant to sections 552.101 of the Government Code. We have considered the exceptions you claim and have examined the documents that you have submitted as a representative sample responsive to this request.<sup>1</sup>

Section 552.101 excepts from disclosure information that is made confidential by law, either constitutional, statutory, or by judicial decision. Section 58.007(c) of the Family Code, enacted by the Seventy-fifth legislature with an effective date of September 1, 1997, provides that "Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public." Subsection (d) concerns the transfer of records in circumstances inapplicable here. As the subject incidents occurred after September 1, 1997, and are not subject to the exceptions of subsection (d), we conclude that

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

section 58.007(c) makes the requested report confidential. *See also* Fam. Code § 51.02(2) (defining "child"). Accordingly the department must not release the report.

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 Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 118274

Enclosures: Submitted documents

cc: Mr. John Clifton  
P.O. Box 741927  
Dallas, Texas 75374  
(w/o enclosures)