



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1998

Ms. Katheryn West
Assistant City Attorney
Office of City Attorney
Municipal Building
Dallas, Texas 75201

OR98-3013

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# 120306.

The City of Dallas Police Department (the "city") received a request for information related to a certain incident report. You submit representative samples of information responsive to the request.¹ You advise that the requested information relates to allegations of injury to a child. You seek to withhold the requested information under section 552.101 of the Government Code in conjunction with the section 261.201(a) of the Family Code, and also under section 552.108 of the Government Code.

Section 552.101 of the Government Code requires withholding information made confidential by statute. 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:

¹In reaching our conclusion, 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 No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). 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.

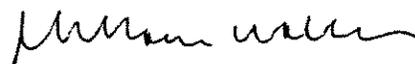
(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, 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 city has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of injury to a child to a child, we conclude that the department must withhold the requested records in their entirety pursuant to section 261.201 of the Family Code. *But see* Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access to records held by Department of Protective and Regulatory Services). Since we have resolved your request under section 261.201 of the Family Code, we do not address your claim under section 552.108 of the Government Code.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID # 120306

Enclosures: Submitted documents

cc: Mr. Jorge Gregorich
4101 W. 45th Avenue #3107
Amarillo, Texas 79109
(w/o enclosures)