January 18, 1999

Mr. Paul F. Wieneskie
Cribbs & McFarland
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Arlington, Texas 76094-0060

OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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Attorney General

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OR99-0117

Dear Mr. Wieneskie:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121226

The Euless Police Department (the department), which you represent, received a request for all offense and arrest reports concerning report number 98047056. You claim that the information is excepted from disclosure by sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

You assert that the information at issue is made confidential by section 261.201(a) of the Family Code, and is therefore, protected from disclosure by section 552.101. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides that

> (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 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 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.

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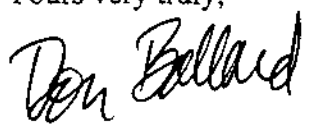
The requested information here consists of "files, reports, records, communications, audiotapes, videotapes, and working papers used or developed" in an investigation conducted under chapter 261 of the Family Code. Family Code §§ 261.001(1)(a)(C), 261.103(1). We believe subsection (a) is applicable to the requested information. Thus, the department must withhold the requested information in its entirety from the requestor.[1]

Because we make a determination under section 552.101, we do not consider your additional argument against disclosure. 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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 121226

Enclosures: Submitted documents

cc: Ms. Elsa Salazar
616 Aransas
Euless, Texas 76039
(w/o enclosures)

[1]We note that parents may have a right of access to information maintained by the Texas Department of Protective and Regulatory Services. Fam. Code § 261.201(f).