

February 1, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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Attorney General

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Mr. Jay Garrett
City Attorney
City of Greenville
2821 Washington
Greenville, Texas 75403-1049

OR99-0286

Dear Mr. Garrett:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121617.

The City of Greenville received a request for a certain offense report. You seek to withhold the information responsive to the request under sections 552.103 and 552.108 of the Government Code. We do not reach your claims under sections 552.103 and 552.108, because we believe that the information at issue is made confidential by statute.

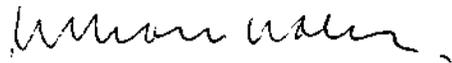
Section 552.101 requires withholding *inter alia* information made confidential by statute. Chapter 48 of the Human Resources Code provides "for the authority to investigate the abuse, exploitation, or neglect of an elderly or disabled person and to provide protective services to that person." Section 48.101(a) makes confidential

- (1) a report of abuse, neglect, or exploitation made under this chapter;
- (2) the identity of the person making the report; and
- (3) except as provided by this section, all files, reports, records, communications, and working papers used or developed in an investigation made under this chapter or in providing services as a result of an investigation.

We believe that the information you submitted as responsive to the request is subject to section 48.101(a). None of the exceptions to confidentiality set out in that section appear to make the information available to the requestor here. Therefore, you must withhold the submitted information in its entirety under section 48.101(a) of the Human Resources 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 121617

Enclosures: Submitted documents

cc: Ms. Sherri Kinder
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(w/o enclosures)