

February 1, 1999



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

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JOHN CORNYN  
Attorney General

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P.O. Box 12548  
Austin, Texas  
78711-2548  
(512) 463-2100  
www.oag.state.tx.us

Mr. Mark A. Flowers  
Assistant City Attorney  
City of Midland  
406 East Illinois  
Midland, Texas 79702-1152

OR99-0289

Dear Mr. Flowers:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121683.

The City of Midland (the "city") received a request from the Texas Department of Human Services (the "department") for information pertaining to a particular case number. You seek to withhold the requested information under sections 552.101 and 552.108 of the Government Code.

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). Therefore, you must withhold the submitted

information from *public disclosure* in its entirety under section 48.101(a) of the Human Resources Code. We note, however, that subsection (f) of section 48.101 provides that the Department of Human Services

may establish procedures to exchange with another state agency or governmental entity information that is necessary for the department to execute its respective duties and responsibilities to provide services to elderly or disabled persons under this chapter or other law. An exchange of information under this subsection does not affect whether the information is subject to disclosure under Chapter 552, Government Code.

Thus, information such as that at issue here may be provided by the city to the department under procedures established pursuant to section 48.101(f) without losing its confidential character for purposes of public disclosure under the Open Records Act.

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# 121683

Enclosures: Submitted documents

cc: Mr. C. Lynn Morgan  
Department of Human Services  
P.O. Box 149030  
Austin, Texas 78714-9030  
(w/o enclosures)