



February 9, 1999

Mr. John M. Knight  
Assistant Police Legal Advisor  
City of Arlington Police Department  
620 W. Division Street  
Arlington, Texas 76004-1065

OR99-0398

Dear Mr. Knight:

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# 122023.

The City of Arlington (the "city") received requests for information relating to a specific incident. You seek to withhold the responsive information under section 552.101 of the Government Code.

Section 552.101 requires withholding, *inter alia*, 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:

(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

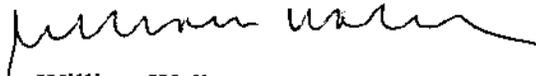
(2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.* [Emphasis added.]

In our opinion, the information you submitted as responsive to the requests is subject to section 261.201(a). You have not informed this office of any rules the city has adopted that would permit access to the requested records. Therefore, the city 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).

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# 122023

Enclosures: Submitted documents

cc: Ms. Robin R. Browning  
The Barbknecht Firm  
8144 Walnut Hill Lane  
Suite 650, LB 101  
Dallas, Texas 75231  
(w/o enclosures)

Ms. Kimberly J. Watson  
The Barbknecht Firm  
8144 Walnut Hill Lane  
Suite 650, LB 101  
Dallas, Texas 75231  
(w/o enclosures)

Ms. Felicia L. Wasson  
Johnson & Sylvan, P.C.  
4440 Renaissance Tower  
1201 Elm Street  
Dallas, Texas 75270  
(w/o enclosures)