



February 10, 1999

Ms. Barbara Heptig
Assistant City Attorney
City of Arlington
620 West Division Street
Arlington Texas 76004

OR99-0409

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122221.

The City of Arlington Police Department (the "city") received a request for the report and complaints related to an incident on November 15 and 16, 1999 involving the requestor. The submitted documents involve an incident on October 15. We assume that the submitted documents are responsive to the request despite the discrepancy in the dates. You contend that the responsive information is protected from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code and pursuant to section 552.108 of the Government Code.

Section 552.101 exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

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.

The information at issue resulted from an investigation of the assault of a child. We are not aware of any rules promulgated by the city which permit the dissemination of information about the assault of children. Accordingly, the information submitted is made confidential in its entirety by section 261.201 of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code. *See* Open Records Decision No. 440 (1986) (applying former Fam. Code § 34.08).

Since we have ruled that the information must not be disclosed under section 261.201 of the Family Code, we need not address your contention that the information is exempt from disclosure 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 122221

Enclosures: Submitted documents

cc: Mr. Mark Nichols
2727 West Division Street #39
Arlington, Texas 76013
(w/o enclosures)