



February 25, 1999

Mr. John Steiner  
Division Chief, Law Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-1088

OR99-0546

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122276.

The City of Austin (the "city") received a request for information pertaining to Incident Report No. 96-173-0919.<sup>1</sup> You have supplied the responsive information, contending that it is excepted from public 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.

Information is excepted from disclosure by section 552.101 "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201 of the Family Code governs release of information related to reports of child abuse or neglect. In pertinent part it reads:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for

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<sup>1</sup>A statutory ten business-day deadline to request an opinion begins on receipt of the request for information by the governmental body. Gov't. Code § 552.301. The subject request for information is date-stamped as received by the Austin Police Department, "Nov 17 1998." The Austin Police Department's request for opinion in this matter was received by our office on November 30, 1998. The request for opinion was therefore timely made.

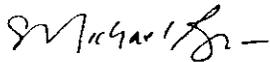
purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (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.

We are of the opinion that the responsive information consists of reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code and is therefore confidential by statute. As you have not cited any specific rule that the city has adopted with regard to the release of this type of information, these records are confidential in their entirety. *See* Open Records Decision No. 440 at 2 (1986). Accordingly, the city must not release this requested information. As all of the responsive information is withheld as confidential under section 552.101 of the Government Code, we shall not consider the other exceptions you raise.

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.

Sincerely,



Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref.: ID# 122276

Enclosures: Submitted documents

cc: Mr. George E. Hyde  
O'Connell and Benjamin  
P.O. Box 90209  
San Antonio, Texas 78209