



March 1, 1999

Ms. Barbara Heptig
Assistant City Attorney
City of Arlington
620 West Division Street
Arlington Texas 76004-1065

OR99-0595

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 # 122436.

The Arlington Police Department (the “department”) received a request for copies of “officers report, any notes, photographs, etc.” regarding an assault investigation number 980960173 at a nursing home reported on April 4, 1998. You contend that the information at issue must be withheld from public disclosure by section 552.108 of the Government Code. We have considered the exception you claim as well as section 552.101 of the Government Code, and reviewed the documents at issue.

Section 552.101 of the Government Code excepts from required public disclosure information considered to be confidential by law, including information made confidential by statute. Section 48.101(a) of the Human Resources Code makes the following information confidential:

- (1) a report of abuse, neglect, or exploitation made under chapter [48];
- (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.

Chapter 48 of the Human Resources Code concerns the investigation of reports of abuse, exploitation, or neglect of an elderly or disabled person. You contend that the information

is a complete report of a charge of injury to the elderly and state that this assault is pending disposition. We conclude that all of the submitted information is made confidential in its entirety under section 48.101(a) of the Human Resources Code. Since we have resolved this request under section 552.101 of the Government Code in conjunction with section 48.101(a) of the Human Resources Code, we need not address your claim under 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.

Sincerely,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 122436

Enclosures: Submitted documents

cc: Mr. Charles Noteboom
669 Airport Freeway
Hurst, Texas 76053
(w/o enclosures)