



March 8, 1999

Ms. Sharon Sela
Assistant City Attorney
Office of the City Attorney
Municipal Building
Dallas, Texas 75201

OR99-0645

Dear Ms. Sela:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122648.

The City of Dallas Police Department (the "city") received a request for all reports regarding Denise Lakonda Wilson and reports involving Ms. Wilson and injury to a child in 1997. You submitted to this office responsive information and claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

After reviewing the submitted information, we conclude that it is confidential under section 552.101, which excepts 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

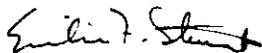
investigation under this chapter or in providing services
as a result of an investigation.

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 dissemination of the information. 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 the contention that the information is exempt from disclosure under either section 552.101 as a compilation of an individual's criminal history or 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.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 122648

Enclosures: Submitted documents

cc: Ms. Alicia Hernandez
1515 Main Street
Dallas, Texas 75201
(w/o enclosures):