



March 10, 1999

Mr. Burk Roberts
Roberts & Roberts, L.L.P.
P.O. Box P
Killeen, Texas 76540

OR99-0674

Dear Mr. Roberts:

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# 122728.

The City of Harker Heights (the "city") received a request for a certain police report. You seek to withhold the requested information under sections 552.101 and 552.108 of the government Code.

Section 552.101 excepts information from public disclosure when the information is confidential by law. Subsection (a) of section 261.201 of the Family Code provides:

(a) 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 [the Family] code and applicable federal or state law or under rules adopted by an investigating agency:

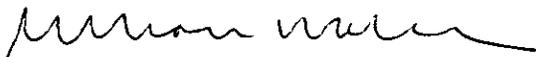
(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(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 . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

We have examined the requested report and determined that it is subject to section 261.201 and that none of the exceptions to confidentiality set out in the section are applicable here. You have not informed this office that the city has adopted any rules providing for release of this information. Accordingly, we conclude that the requested report is confidential and must be withheld in its entirety. Since we have disposed of this request under section 552.101 in conjunction with section 261.201 of the Family Code, we need not address your claim under section 552.108.

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID# 122728

Enclosures: Submitted documents

cc: Mr. Jack Leavitt
Case Manager
Department of the Army
36000 Darnall Loop
Fort Hood, Texas 76544-4752
(w/o enclosures)