



April 30, 1999

Mr. Raymond D. Martinez
Assistant City Attorney
Office of the City Attorney
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-1202

Dear Mr. Martinez:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124184.

The Dallas Police Department (the "department") received an open records request for "1st page (only) information" concerning all offenses, incidents, or arrests occurring at a particular address within a specified time frame. You state that the department will release to the requestor "first page information on a great number of reports." You seek to withhold one report, however, pursuant to section 552.101 of the Government Code because the report pertains to an allegation of child abuse.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) 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.*
[Emphasis added.]

You have not informed this office of any rules the department has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of child abuse, this office concludes that the department must withhold the requested records in their entirety pursuant to section 261.201 of the Family Code.¹ *But see* Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access to records held by Department of Protective and Regulatory Services).

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/eaf

Ref.: ID# 124184

encl. Submitted documents

¹Because we resolve your request under section 261.201 of the Family Code, we need not address your other arguments for non-disclosure.