



July 16, 1999

Ms. Lois Cochran
Records Coordinator
The City of Cleburne
P.O. Box 677
Cleburne, Texas 76033-0677

OR99-2002

Dear Ms. Cochran:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127473.

The City of Cleburne Police Department (the "department") received a request for a police report. You claim that the requested information is excepted from disclosure under section 552.108(a)(2) of the Government Code and section 261.201 of the Family Code. We have considered the exceptions you claim and reviewed the submitted information.

You assert that the information at issue is made confidential by section 261.201 of the Family Code, and is therefore protected from disclosure by section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides that

(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 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.

The requested information here consists of "files, reports, records, communications, audiotapes, videotapes, and working papers used or developed" in an investigation conducted under chapter 261 of the Family Code. *See* Fam. Code §§ 261.001(1)(C), 261.103(1). We believe section 261.201(a) is applicable to the requested information. Thus, the department must withhold the requested information from the requestor. We note that parents may have a right of access to information maintained by the Texas Department of Protective and Regulatory Services. Fam. Code § 261.201(f).

Because section 261.201 of the Family Code is dispositive, we need not address your section 552.108 claim. 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,

A handwritten signature in black ink, appearing to read "Sue M. Lee", with a long horizontal flourish extending to the right.

Sue M. Lee
Assistant Attorney General
Open Records Division

SML\nc

Ref: ID# 127473

Encl: Submitted documents