



July 21, 1999

Mr. Miles K. Risley
City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR99-2056

Dear Mr. Risley:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125912.

The City of Victoria (the "city") received a request for certain offense reports. You assert that the records at issue are protected from disclosure under chapter 261 of the Family Code and section 552.101 of the Government Code. Section 552.101 of the Government Code exempts information from required 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:

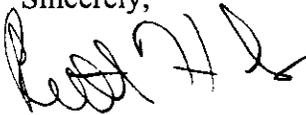
(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(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.

You submitted to this office the requested information. We have reviewed the records, which all appear to be interrelated information that consists of "reports, records, communications, and working papers used or developed" in an investigation made under chapter 261 of the Family Code. Thus, the submitted information may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the Victoria Police Department, which is the agency that investigated the incidents.¹ Since you have not informed this office that the Victoria Police Department has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.²

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/ch

Ref: ID# 125912

Encl. Submitted documents

¹We note that if the investigation has been referred to the Department of Protective and Regulatory Services (the "department"), a parent who is a requestor may be entitled to access to the department's records. Section 261.201(f) of the Family Code provides that the department, upon request and subject to its own rules:

shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect information concerning the reported abuse or neglect that would otherwise be confidential under this section if the department has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure.

Fam. Code §261.201(f).

²Since section 261.201(a) makes the information at issue confidential, we need not address your other arguments against disclosure.

cc: Ms. Rhonda Herring
103 Tern Court
Victoria, Texas 77901
(w/o enclosures)