



October 22, 1999

Ms. Tenley A. Aldredge
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78787-1748

OR99-2990

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128612.

The Travis County Attorney's Office (the "county attorney") received a written request for all documents pertaining to a particular case number. You contend that the requested information is excepted from required public disclosure pursuant to sections 552.101, 552.108, and 552.130 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The records at issue pertain to an allegation of "injury to a child." 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 county attorney has adopted that would permit access to the requested records in this instance. Because the information at issue pertains to an investigation of injury to a child, this office concludes that the county attorney 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) (parent's limited right of access to records held by Department of Protective and Regulatory Services).

We are resolving this matter with this 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 may 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 that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/nc

Ref.: ID# 128612

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.

bcc: Ms. Ann McMaster
10701 Valley Vista
Austin, Texas 78737
(w/o enclosures)