



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 27, 2009

Ms. Katie Lentz  
Open Records  
Williamson County Sheriff's Office  
508 South Rock Street  
Georgetown, Texas 78626

OR2008-02616

Dear Ms. Lentz:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 335923.

The Williamson County Sheriff's Office (the "sheriff") received a request for incident reports involving specified individuals over a specified period of time. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code 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 as follows:

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, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). We note incident report number 04-03-00145 was used by the sheriff in an investigation of injury to a child. *See id.* §§ 261.001(1) (defining “abuse” for the purposes of chapter 261 of the Family Code); *see also id.* § 101.003(a) (defining “child” for purposes of this section as person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes). You do not indicate the sheriff has adopted a rule that governs the release of this type of information. Therefore, we assume that no such regulation exists. Given that assumption, incident report number 04-03-00145 is confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute). We note, however, that report number 03-06-0035, which pertains to a child custody issue, is not confidential under section 261.201 of the Family Code as it does not pertain to alleged or suspected child abuse or neglect. Therefore, the remaining information may not be withheld under section 552.101 on that basis. Accordingly, the sheriff must withhold incident report number 04-03-00145, which we have marked, in its entirety under section 552.101 of the Government Code as information made confidential by law.<sup>1</sup> As you raise no other exceptions to disclosure of the remaining child custody report, it must be released to the requestor.<sup>2</sup>

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<sup>1</sup>We note that the requestor, as the parent of a child who is the subject of reported abuse or neglect, may have a right of access to certain abuse and neglect records maintained by the Texas Department of Family and Protective Services (“DFPS”). Section 261.201(g) of the Family Code provides that DFPS, 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 [DFPS] 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(g).

<sup>2</sup>We note that the information being released contains a social security number that belongs to the requestor’s child along with the requestor’s social security number and driver’s license number, which would ordinarily not be releasable to the general public under sections 552.130 and 552.147 of the Government Code. However, the requestor, as the parent of the child at issue, has a special right of access under section 552.023 of the Government Code to the child’s social security number as well as to her own Texas driver’s license and social security numbers. *See* Gov’t Code § 552.023. (person or the parent of minor has a special right of access to information that is excepted from public disclosure under laws intended to protect that person’s or that person’s child’s privacy interest). The county should again seek our decision if it receives another request for this information from a person other than the requestor or her authorized representative. *See* Gov’t Code §§ 552.301, .302.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Adam Leiber  
Assistant Attorney General  
Open Records Division

ACL/jb

Ref: ID# 335923

Enc. Submitted documents

c: Requestor  
(w/o enclosures)