



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 8, 2009

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

OR2009-09419

Dear Ms. Lentz:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 348627.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for reports involving three named persons at a certain address during a specified time period. The sheriff's office asserts the information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the sheriff's office claims and have 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." Gov't Code § 552.101. Section 552.101 encompasses confidentiality statutes. Section 261.201 of the Family Code reads in part as follows:

(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.

Fam. Code § 261.201. We agree some of the requested information consists of reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code. Because the sheriff's office has not cited any specific rule that the investigating agency has adopted with regard to the release of this type of information, we assume no such regulation exists. Given that assumption, the sheriff's office must withhold some of the requested information pursuant to section 261.201 of the Family Code. See Open Records Decision No. 440 at 2 (1986) (construing predecessor statute).<sup>1</sup> We have marked the information the sheriff's office must release because it is not subject to section 261.201.

Next, we consider the sheriff's office's alternative assertion under common-law privacy for one report we determined is not subject to section 261.201. Section 552.101 also encompasses the common-law privacy doctrine, which protects information if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). However, section 552.023 of the Government Code provides a person's authorized representative has a special right of access to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect the person's privacy interests. Gov't Code § 552.023. Here, the requestor is the parent of the child whose privacy interest is implicated. Thus, pursuant to section 552.023, the requestor has a right of access to incident report number C09-04-2148, and the sheriff's office may not withhold it under common-law privacy.

Lastly, incident report number C09-04-2148 contains a Texas driver's license number. Section 552.130 of the Government Code excepts from disclosure information relating to a Texas driver's license. *Id.* § 552.130. Thus, the sheriff's office must withhold the Texas driver's license number we marked under section 552.130. However, because section 552.130 protects personal privacy, the requestor has a right of access to his own Texas driver's license number pursuant to section 552.023.

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<sup>1</sup>We note a parent of a child may be entitled to access to the records of the Department of Family and Protective Services (the "department"). Section 261.201(g) of the Family Code provides 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.

In summary, the sheriff's office must withhold some of the information under section 261.201 of the Family Code and the Texas driver's license number we marked under section 552.130 of the Government Code. The sheriff's office must release the remaining information we marked.<sup>2</sup>

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 348627

Enc: Marked documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>Because the submitted records contain information relating to the requestor that is generally excepted from disclosure to the general public under laws and exceptions designed to protect privacy, if the department receives a future request for this information from an individual other than the requestor, the sheriff's office should again seek our decision.