



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 8, 2009

Ms. Mary Azam  
Georgetown Police Department  
809 Martin Luther King, Jr. Street  
Georgetown, Texas 78626

OR2009-17297

Dear Ms. Azam:

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# 363532 (GT #527).

The City of Georgetown (the "city") received a request for information pertaining to a September 13, 2009 welfare check at a specified address. You claim the submitted Computer Aided Dispatch ("CAD") report is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception 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." Gov't Code § 552.101. This exception encompasses information protected by other statutes, such as section 261.201 of the Family Code, which provides in relevant part:

(a) [T]he following information is confidential, is not subject to public release under [the Act], 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(a). You represent to this office that the submitted CAD report is being used in an investigation of child abuse by the Child Protective Services Division ("CPS") of the Texas Department of Family and Protective Services. *See id.* § 261.001(1) (definition of "child abuse"). Based on this representation, we agree the submitted report is within the scope of section 261.201. You have not indicated CPS has adopted a rule that allows for the release of these records under these circumstances; therefore, we assume that no such regulation exists. Given that assumption, we find the submitted CAD report is confidential under section 261.201 of the Family Code and must be withheld under section 552.101 of the Government Code. *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute).

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, toll free, at (888) 672-6787.

Sincerely,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/cc

Ref: ID# 363532

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)