



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 15, 2011

Ms. Mary Salluce
Open Government Attorney
Texas Department of Family and Protective Services
P.O. Box 149030
Austin, Texas 78714-9030

OR2011-13381

Dear Ms. Salluce:

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# 429993.

The Texas Department of Family and Protective Services (the "department") received a request for (1) all materials and policies issued or adopted by the department regarding compliance with the ADA, ADA accessibility guidelines, and applicable federal and state regulations relating to the department's accommodations for the deaf or hearing impaired and (2) all materials, contracts, orders, reports, memoranda, and notes executed, issued, or performed by department employees in relation to official department work carried out on or on behalf of two named individuals. You state information responsive to the first category of the request has been made available to the requestor.¹ You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note that the submitted information is excepted from disclosure pursuant to a previous determination issued by this office to the department in Open Records Letter No. 2003-5590 (2003). That ruling serves as a previous determination under section 552.301(a) of the Government Code and allows the department to withhold records concerning an investigation

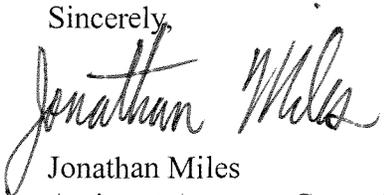
¹You state the DFPS handbook contains a section responsive to the first category of the request and that this portion of the handbook is being provided to the requestor. You further state other information responsive to the first category of the request is available on the DFPS's website and that the requestor was told how to access this information on the website. Sending a requestor to a specific web address instead of providing a paper copy of information is an appropriate response to a request for information as long as the requestor is satisfied with the referral to the specified website. If the requestor here is not satisfied with this referral, then you must provide a copy of the requested information to him. *See* Open Records Decision No. 682 at 3 (2005) (ruling that a public information officer does not comply with section 552.221 of the Government Code by referring a requestor, even a requestor with Internet access, to its website).

of an allegation of abuse or neglect of a child and the records used or developed in providing services as a result of such an investigation under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code, unless the department's rules permit the release of the requested records to a particular requestor. You do not indicate the submitted information is subject to release pursuant to your rules. See 40 TAC §§ 700.201-700.207. Therefore, pursuant to Open Records Letter No. 2003-5590, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.² See Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when elements of law, fact, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly informed it need not seek a decision from this office to withhold information in response to future requests).

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, 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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 429993

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our determination is dispositive, we need not address your argument against the disclosure of the submitted information.