



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 4, 2013

Ms. Jordan Hale
Assistant Attorney General
Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2013-00176

Dear Ms. Hale:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 475314 (PIR No. 12-34613).

The Office of the Attorney General (the "OAG") received a request for 1) the requestor's evaluation, 2) a recording of a specified telephone conversation, and 3) case number 0012365774. The OAG released item 1 and asserts the remaining information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the OAG's claimed exceptions to disclosure and have reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. Gov't Code § 552.101. Chapter 231 of the Family Code pertains to the administration of Title IV-D child support programs and provides the OAG is designated as the state's Title IV-D agency. *See* Fam. Code § 231.001.

Section 231.108(a) of the Family Code provides:

(a) . . . all files and records of services provided under this chapter, including information concerning a custodial parent, noncustodial parent, child, and an alleged or presumed father, are confidential.

Id. § 231.108(a). The OAG explains the information concerns a Title IV-D participant's information contained in the files and records of the OAG's Child Support Division obtained and maintained as part of its administration of child support services under chapter 231 of the Family Code. Therefore, the OAG states it is withholding requested item 3 pursuant to Open Records Letter No. 2000-2465 (2000), a previous determination allowing the OAG to withhold Title IV-D child support program information under section 231.108 of the Family Code without the necessity of asking this office for a decision. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (addressing "previous determination" for section 552.301(a) purposes). The OAG further informs this office the requested recording contains child support case information obtained and maintained as part of its administration of child support services under chapter 231 that is inextricably intertwined with other information on the recording, and it lacks the technological capability to redact the confidential child support information. Thus, we conclude the OAG must withhold the recording under section 231.108 of the Family Code. Because section 231.108 of the Family Code is dispositive, we do not address the OAG's section 552.103 assertion.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 475314

Enc: Submitted document

c: Requestor
(w/o enclosure)