



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 30, 2014

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

OR2014-01882

Dear Ms. Harden:

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# 514887 (PIR No. 13-37761).

The Office of the Attorney General (the "OAG") received a request for the crime victim's compensation file number VC13277465. The OAG released some information and argues the remaining information is excepted from disclosure under section 552.101 of the Government Code. We have considered the OAG's claimed exception 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 section 261.201 of the Family Code, which provides as follows:

(a) Except as provided by Section 261.203, the 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.

...

(k) Notwithstanding Subsection (a), an investigating agency . . . on request, shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect, or to the child if the child is at least 18 years of age, information concerning the reported abuse or neglect that would otherwise be confidential under this section. The investigating agency shall withhold information under this subsection if the parent, managing conservator, or other legal representative of the child requesting the information is alleged to have committed the abuse or neglect.

Fam. Code § 261.201(a), (k). The OAG asserts the submitted information was used or developed in an investigation of child abuse. *See id.* § 261.001(1) (defining “abuse” for purposes of chapter 261 of the Family Code); *see also id.* § 101.003(a) (defining “child” for purposes of section 261.201). Because the information is used as part of an investigation conducted under chapter 261, we find the information we marked in Exhibit B is confidential under section 261.201 of the Family Code. The OAG explains the requestor in this instance represents the guardian of the child victim. However, the OAG may not release the information pursuant to section 261.201(k) because the OAG is not the investigating agency. *See id.* § 261.201(k) (permitting investigating agency to release information otherwise confidential under section 261.201(a) in certain circumstances). Thus, the OAG must withhold the information we marked in Exhibit B pursuant to section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code. However, we find the OAG has failed to demonstrate how the remaining information in Exhibit B is a report of alleged or suspected child abuse or neglect or was used or developed in an investigation of alleged or suspected child abuse or neglect under chapter 261 of the Family Code. Therefore, none of the remaining information in Exhibit B may be withheld under section 552.101 in conjunction with section 261.201(a).¹

¹We note the requestor has a right of access under section 552.023 of the Government Code to some of the information being released. *See Gov’t Code* § 552.023(b) (governmental body may not deny access to person to whom information relates or person’s agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Therefore, if the OAG receives another request for this same information from a different requestor, the OAG must again seek a ruling from this office. We also note the remaining information contains a social security number. Section 552.147 of the Government Code permits a governmental body to redact the social security number of a living person without requesting a decision from this office. *See Gov’t Code* § 552.147(b). However, the requestor has a right of access to his client’s minor child’s social security number. *See id.* § 552.023.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/ag

Ref: ID# 514887

Enc. Submitted documents

c: Requestor
(w/o enclosures)