



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

May 20, 2016

Ms. Heather Stebbins  
County Attorney  
Kerr County  
County Courthouse, Suite BA-103  
700 Main Street  
Kerrville, Texas 78028

OR2016-11587

Dear Ms. Stebbins:

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# 615173.

The Kerr County Sheriff's Office (the "sheriff's office") received a request for information pertaining to the requestor's client. The sheriff's office claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

The sheriff's office represents the submitted offense report was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2016-02398 (2016). In Open Records Letter No. 2016-02398, we determined the sheriff's office must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the sheriff's office must rely on Open Records Letter No. 2016-02398 as a previous determination and withhold the identical information in accordance with that ruling. We will address the sheriff's office's arguments against the release of the submitted information not encompassed by Open Records Letter No. 2016-02398.

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 section encompasses section 261.201(a) of the Family Code, which provides as follows:

[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). The sheriff’s office asserts the remaining information was used or developed in an investigation under chapter 261. *See id.* §§ 101.003(a) (defining “child” for purposes of section 261.201), 261.001(1) (defining “abuse” for purposes of section 261.201). Upon review, we find the information is within the scope of section 261.201 of the Family Code. The sheriff’s office does not indicate it has adopted a rule that governs the release of this type of information. Therefore, we assume no such rule exists. Given that assumption, the sheriff’s office must withhold the remaining information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code. *See Open Records Decision No. 440 at 2 (1986) (predecessor statute).*

To conclude, the sheriff’s office must continue to rely on Open Records Letter No. 2016-02398 as a previous determination and withhold the identical information in accordance with that ruling. The sheriff’s office must also withhold the remaining information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.

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](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/eb

Ref: ID# 615173

Enc. Submitted documents

c: Requestor  
(w/o enclosures)