



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 8, 2016

Ms. Cynthia Rincon  
General Counsel  
Department of Legal Services  
Fort Bend Independent School District  
16431 Lexington Boulevard  
Sugar Land, Texas 77479

OR2016-20298

Dear Ms. Rincon:

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# 628899 (ORR 2016-17-015).

The Fort Bend Independent School District (the "district") received a request for information pertaining to a specified crime stopper's report. The district claims the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note the requestor excluded student names from her request. Thus, such information in the submitted documents is not responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release this information in response to the request.

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 district is not an agency authorized to conduct a chapter 261 investigation. *See id.* § 261.103 (listing agencies that may conduct child abuse investigations). However, the district asserts the submitted information was used or developed in an investigation by the district's police department (the "department") 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 Exhibit B and some of the information in Exhibit C, which we have marked, are within the scope of section 261.201 of the Family Code. The district does not indicate the department has adopted a rule that governs the release of this type of information. Therefore, we assume no such rule exists. Given that assumption, the district must withhold Exhibit B and the information we have marked in Exhibit C under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.<sup>1</sup> *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute). However, the remaining information consists of administrative records of the district. Thus, we find the district has failed to demonstrate the remaining information was used or developed in an investigation of alleged or suspected child abuse, or consists of a report of alleged or suspected abuse or neglect under chapter 261 of the Family Code. Therefore, the remaining information is not confidential under section 261.201(a) of the Family Code, and the district may not withhold it under section 552.101 of the Government Code on that basis.

Section 552.101 of the Government Code also encompasses section 414.009(a) of the Government Code, which reads as follows:

A person who is a member or employee of the [Texas Crime Stoppers Council] or who accepts a report of criminal activity on behalf of a crime stoppers organization commits an offense if the person intentionally or knowingly divulges to a person not employed by a law enforcement agency the content of a report of a criminal act or the identity of the person who made the report without the consent of the person who made the report.

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<sup>1</sup>As our ruling is dispositive, we do not address the other arguments of the district to withhold this information.

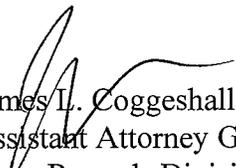
Gov't Code § 414.009(a). The district seeks to withhold the remaining information under section 414.009(a) because it consists of e-mails pertaining to the crime stopper's report at issue. However, upon review, we find the district has failed to establish any of the remaining responsive information reveals either the content of the crime stopper's report or the identity of a person who made the report. *See id.* Thus, the district has not demonstrated the remaining responsive information is confidential under section 414.009(a), and may not withhold it under section 552.101 on that ground.

To conclude, the district must withhold Exhibit B and the information we have marked in Exhibit C under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code. The district must release the remaining responsive information.

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# 628899

Enc. Submitted documents

c: Requestor  
(w/o enclosures)