



THE ATTORNEY GENERAL
OF TEXAS

JIM HANCOCK
ATTORNEY GENERAL

January 11, 1990

Mr. Anthony Movsesian
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

Dear Mr. Movsesian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8295; this decision is OR90-014.

The City of El Paso received a request for a copy of a report of a fire investigation conducted by the city's fire marshal. The city seeks to withhold the report from required public disclosure under section 3(a)(1) of the act as information deemed confidential by law, specifically sections 51.03 and 51.14 of the Family Code, which provide for non-disclosure of files and records concerning a child, except under certain specified conditions.

Open Records Decision No. 134 (1976) held that a fire marshall's report about a fire that contained information similar or identical to the type of information included in the reports at issue here constituted public information. That opinion further held that portions of the report calling for the investigator's opinion and conclusions concerning possible suspects could be withheld under section 3(a)(8). In Open Records Decision No. 181 (1977) certain memoranda concerning an investigation involving juveniles were held to be public as long as the names and information identifying the juveniles were deleted. Finally, in Open Records Decision No. 422 (1984), it was held that details of an incident involving attempted suicide were protected from disclosure under common-law privacy principles incorporated into section 3(a)(1). Based on these precedents, copies of which are enclosed, we think that the reports and other information about the fire are not excepted from required public disclosure by section 3(a)(1) and must be released. However, information in those reports identifying a juvenile who may be suspected of arson must be withheld. Information

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concerning the fact that a person involved in the suspected arson may have attempted suicide must also be withheld. We have marked the documents you sent us accordingly.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-014.

Yours very truly,

*Open Government Section
of the Opinion Committee* 

Open Government Section
of the Opinion Committee
Prepared by David A. Newton
Assistant Attorney General

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Ref.: ID# 8295

Enclosure: Documents Sent
Open Records Decision Nos. 134, 181, 422

cc: Mr. Rudolph J. Triviz
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El Paso, Texas 79912