



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

September 25, 1991

Ms. Elaine H. Piper  
Office of the City Attorney  
The City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79999

OR91-443

Dear Ms. Piper:

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# 13063.

You have received a request for a copy of the police department's report regarding a child molestation incident reported on June 10, 1991. You maintain that the requested information is excepted from required public disclosure under section 3(a)(1).

Section 3(a)(1) excepts from disclosure:

information deemed confidential by law, either  
Constitutional, statutory, or by judicial decision.

You claim that the requested report falls within this exception because it contains information which would tend to identify the victim. Open Records Decision No. 393 (1983) held that "the information which either identifies or would tend to identify the victim [of sexual abuse] may be withheld under the common law right of privacy." See Open Records Decision No. 339 (1982). We have marked those portions of the "Complaint Report" which, if released, might identify the victim. These portions may be withheld under section 3(a)(1).

You further claim that information relating to the alleged minor subject is protected by common-law privacy and may be withheld from required public disclosure under section 3(a)(1). The requested information is being sought by the

mother of the child in question. Section 12.04 of the Family Code establishes the rights, privileges, duties, and powers of the parent. Subsection (2) of that section affords the parent "the duty of care, control, protection, and reasonable discipline of the child." Subsection (7) grants the parent "the power to represent the child in legal action and to make other decisions of substantial legal significance concerning the child." Clearly, the mother is properly exercising her rights and duties as a parent in requesting information which pertains to the training and discipline of her child and which may be of "substantial legal significance."

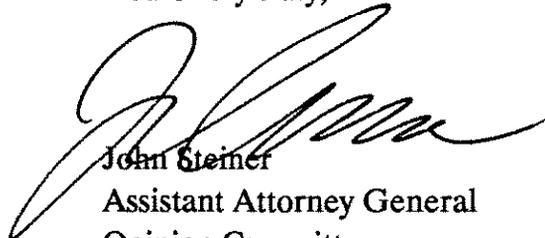
Section 3B (a) of the Open Records Act provides for special right of access to confidential information. It states, in pertinent part:

A person or the authorized representative of a person has, beyond the right of the general public, a special right of access to and to copies of any records held by a governmental body that contain information relating to the person that is protected from public disclosure by laws intended to protect that person's privacy interests.

V.T.C.S. art. 6252-17a, § 3B(a). A mother is the authorized representative of her minor child. *See* Fam. Code ch. 12. Accordingly, she has a special right of access on behalf of her child to information concerning her child which would otherwise be protected from required public disclosure in deference to the child's privacy interests. *See generally* Open Records Decision No. 542 (1990). Accordingly, all information which does not identify the victim must be released.

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 OR91-443.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

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JS/GK/lb

Enclosures: Returned Documents

Ref.: ID# 13063

cc: Ms. Olivia La Rose  
172 Pendale Road  
El Paso, Texas 79907