



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 30, 1991

Ms. Elaine H. Piper
Assistant City Attorney
Police Legal Advisor
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

OR91-536

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# 13078.

The El Paso Police Department (the department) received an open records request for a particular incident report involving the runaway of a child. The report, which consists of an initial police report and several supplemental reports, contains allegations of child abuse and details of the department's subsequent investigation of those allegations. You contend that the requested information comes under the protection of sections 3(a)(1) and 3(a)(8) of the Open Records Act. Because this office has determined that the police reports are deemed confidential by law, we need not reach whether the reports are otherwise protected by section 3(a)(8).

Chapter 34 of the Family Code concerns reports of child abuse to, *inter alia*, local law enforcement agencies. Section 34.08(a) of the Family Code provides in pertinent part that

the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating

agency.

The records at issue are clearly made confidential by section 34.08(a). The department must therefore withhold these records pursuant to section 3(a)(1) of the act, which protects "information deemed confidential by law." See Open Records Decision No. 440 (1986) (copy enclosed).

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 OR91-536.

Yours very truly,



Steve Aragon
Assistant Attorney General
Opinion Committee

SA/RWP/lcd

Ref.: ID# 13078

Enclosures: Open Records Decision No. 440

cc: Eugene Munoz
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El Paso, Texas 79915