



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 18, 1991

Mr. Larry W. Schenk
City Attorney
P.O. Box 1952
Longview, Texas 75606-1952

OR91-567

Dear Mr. Schenk:

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# 14044.

The Longview Police Department (the department) has received a request for information relating to the sexual assault of a child. Specifically, the requestor seeks the entire police report relating to the incident. You claim that the requested information is excepted from required public disclosure by the common-law privacy interests as incorporated by section 3(a)(1) of the Open Records Act.

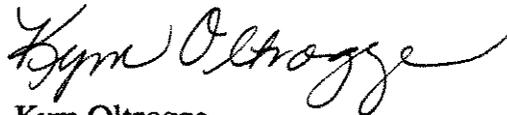
Open Records Decision No. 440 (1986) held that records of an investigation into allegations of sexual abuse of children are excepted from disclosure in cases in which such records are made part of a Texas Department of Human Services investigation under chapter 34 of the Family Code. Section 34.08 of the Family Code provides for the confidentiality of records related to such investigations:

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.

You have informed us that the records sought in this instance consist of "reports, records, and working papers used or developed in an investigation" under chapter 34 and that the department has no rules that provide for the public release of information involving investigations of child abuse. Because exceptions to nondisclosure provided for in section 34.08 do not appear to apply here, we conclude that the requested information is excepted from required public disclosure by section 3(a)(1) of the Open Records Act and must be withheld in its entirety. As your request is resolved by statute, we need not address the applicability of common-law privacy interests at this time.

Because statutes 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 OR91-567.

Yours very truly,



Kym Oltrogge
Assistant Attorney General
Opinion Committee

KO/GK/lcd

Ref.: ID# 14044

cc: Steven T. Baron, Esq.
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