



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 26, 1995

Mr. Miles K. Risley  
Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR95-480

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31547.

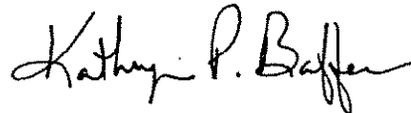
The Victoria Police Department (the "department") received an open records request from a child support officer for a copy of the police report prepared by the department regarding an investigation by the department of a criminal charge of indecency with a child which allegedly occurred on November 21, 1994. The requestor states that the "information will be used for child support purposes only and the confidential nature of this information will be strictly observed." You state that you have released none of the requested information to the requestor. You contend that all of the information in the report requested is excepted from disclosure by section 552.101 of the Government Code in conjunction with section 34.08 of the Family Code. Also, you contend that section 552.101 excepts from public disclosure the information requested because common law privacy protects information consisting of detailed descriptions of child molestation offenses from public disclosure. You have submitted the requested information to us for review.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 34.08 of the Family Code provides that the reports, records, and working papers used or developed in a child abuse 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 inform us that the department has not adopted

The records sought in this case consist of criminal investigations of alleged violations of chapter 21 of the Penal Code and such records are generally excepted from required disclosure pursuant to section 552.101. However, the transfer of the police report in this case will not increase the danger of public disclosure of the information since the child support enforcement office is subject to confidentiality requirements which would keep the information in the police report confidential. Based upon the special circumstances in this case, the records submitted for our review may not be withheld and must be released to the requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes  
Assistant Attorney General  
Open Government Section

KPB/LRD/rho

Ref: ID# 31547

Enclosures: Submitted documents

cc: Ms. Marie R. Bland  
Child Support Officer  
Office of the Attorney General  
P.O. Box 530  
Victoria, Texas 77902  
(w/o enclosures)