



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 29, 1995

Mr. James Showen
Senior Assistant City Attorney
City of Tyler
P.O. Box 2039
Tyler, Texas 75710

OR95-911

Dear Mr. Showen:

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# 33274.

The Tyler Police Department (the "department") received an open records request for a tape recording of a 911 call pertaining to an incident of domestic violence in which a juvenile was assaulted. You contend the tape recording may be withheld from the public pursuant to section 552.108 of the Government Code. After reviewing the tape recording, we conclude that the recording is confidential under section 34.08 of the Family Code and thus may not be released.¹

Chapter 34 of the Family Code concerns, among other things, reports of child abuse to local law enforcement agencies. See Open Records Decision No. 628 (1994) at 5. Section 34.08(a) of the Family Code provides:

Except as provided in Subsections (b) and (c) of this section, 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. (Emphasis added.)

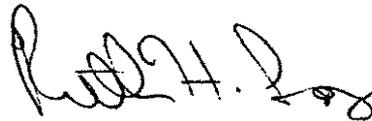
¹Because we resolve your request under section 34.08 of the Family Code, we need not address your section 552.108 arguments.

Subsections (b) and (c) relate to the disclosure of records concerning an investigation of an adopted child to the adoptive parents, prospective adoptive parents, or to the child upon reaching adulthood. Neither subsection is applicable to the current request.

Because you have not cited any specific regulation that the department has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the requested tape recording is confidential pursuant to section 34.08(a) of the Family Code. *See* Open Records Decision No. 440 (1986) at 2. Accordingly, the department must withhold this record.

We are resolving this matter with an 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 should 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,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/RWP/rho

Ref: ID# 33274

Enclosure: Tape recording

cc: Mr. Thomas M. Morris
2308 East Front
Tyler, Texas 75702
(w/o enclosure)