



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 14, 1996

Mr. B. J. Smith  
City Attorney  
Box 850137  
Mesquite, Texas 75185-0137

OR96-0185

Dear Mr. Smith:

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# 37986.

The City of Mesquite (the "city") received a request for copies of tape recordings of police and paramedic 911 telephone calls pertaining to an incident at 1546 Forest Creek Circle, Mesquite, Texas. You assert that the requested information is excepted from required public disclosure pursuant to section 552.103(a) of the Government Code. However, we believe a provision in the Family Code controls the release of the requested information.

Section 262.201(a) of the Family Code provides as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

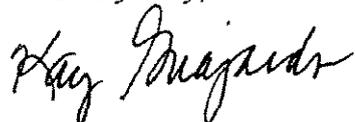
(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or

developed in an investigation under this chapter or in providing services as a result of an investigation.

We believe the requested tape is part of a record used or developed in an investigation conducted under chapter 261 of the Family Code. Because you do not cite any specific rule that the city has adopted with regard to the release of this type of information, we assume that no such rule exists. Given that assumption, section 262.201 deems the requested records confidential. *See* Open Records Decision No. 440 (1986) at 2 (applying predecessor statute). Accordingly, the city must withhold these records from required public disclosure pursuant to section 552.101 of the Government Code.<sup>1</sup>

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/ch

Ref.: ID# 37986

Enclosures: Submitted tape

cc: Ms. Kalen Donnelly  
Attorney at Law  
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Dallas, Texas 75219  
(w/o enclosure)

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<sup>1</sup>Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law, including information that is made confidential by statute.