



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 9, 1996

Mr. John Steiner
Division Chief
Law Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR96-1091

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40641.

The City of Austin (the "city") received a request for a copy of the incident report for Case No. 95-4680171. You assert that the requested report is excepted from required public disclosure based on sections 552.101, 552.103, and 552.108 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. Section 261.201(a) of the Family Code reads 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:

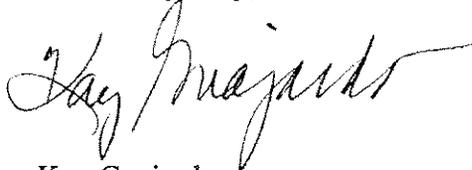
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report;
and

(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.

The requested information consists of "reports, records, communications, and working papers used or developed" in an investigation conducted pursuant to chapter 261 of the Family Code. We believe subsection (a) is applicable to the requested information. You state that the city has not promulgated any rules which permit the release of the information. We therefore conclude that the city must withhold the information from the requestor based on section 552.101 of the Government Code.¹

Having concluded that the city must withhold the information based on section 552.101, we need not consider your section 552.103 and section 552.108 claims. 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/rho

Ref.: ID# 40641

Enclosures: Submitted documents

cc: Ms. Traci L. Oswald
Legal Assistant to William D. Powers
2206 Lake Austin Boulevard
Austin, Texas 78703
(w/o enclosures)

¹We note that in some circumstances a parent of a child that is the subject of a Family Code chapter 261 investigation may be able to obtain information from the Department of Protective and Regulatory Services. See Family Code § 261.201(f).