



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 22, 1996

Ms. Kay Ellen Pollack  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-1232

Dear Ms. Pollack:

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# 35730.

The City of Dallas (the "city") received a request for certain information comprising offense, incident and investigation reports, including witness statements, confessions, photographs, diagrams, medical reports and all other reports or information related to incidents involving sexual offenses committed by a specified adult against juvenile victims giving rise to criminal proceedings in Dallas. You indicate that some of the information has already been released, including booking information, an interview summary sheet, a driving record and a newspaper article involving the incident. You have submitted the remaining documents to this office for review contending that the requested records are confidential under section 34.08 of the Family Code in conjunction with section 552.101 of the Government Code as well as under section 552.108 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 34.08 was repealed by the Seventy-fourth Legislature and added section 261.201 of the Family Code.<sup>1</sup> This Family Code provision now reads as follows:

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<sup>1</sup>See Act of April 6, 1995, 74th Leg., R.S., ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 262- (Vernon); Act of May 26, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (Vernon).

(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.

*See Act of May 26, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (Vernon).* The requested information consists of "reports, records, communications, and working papers" used or developed in investigations made under chapter 261 of the Family Code. Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. *See Open Records Decision No. 440 (1986) at 2 (predecessor statute).* Accordingly, the city must withhold these records and we need not reach the issues presented under section 552.108 of the Government Code.

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

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

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ID# 35730

s: Submitted documents