



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1996

Ms. Phoebe Knauer
Supervising Attorney for Open Records
Texas Department of Protective and
Regulatory Services
P.O. Box 149030
Austin, Texas 78714-9030

OR96-1264

Dear Ms. Knauer:

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# 40575.

The Texas Department of Protective and Regulatory Services (the "department") received a request to inspect and copy "[a] letter from the department to Mary Lee-Giddings dated July 13, 1995, from Amy Cichowski concerning an investigation into the drowning of a child." You assert that the requested letter is excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

Section 552.101 of the Government Code excepts from public disclosure information that is made confidential by law, including information made confidential by statutory law. 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:

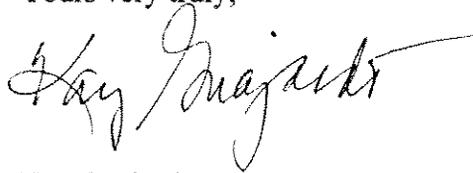
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(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.

We believe the requested letter is a "report[], record[], communication[], and working paper[] used or developed" in an investigation under chapter 261 of the Family Code. See Open Records Decision No. 587 (1991) (information maintained in licensure records of the Department of Human Services does not remove information from protection of predecessor statute of section 262.201). Consequently, subsection (a) is applicable here and the department must withhold the requested information from public disclosure based on section 552.101 of the Government Code.

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#40575

Enclosure: Submitted document

cc: Mr. Hollace Weiner
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(w/o enclosure)