



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 10, 1996

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

OR96-2341

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# 102578.

The City of Austin (the "city") received a request for two particular offense reports that you assert are excepted from required public disclosure based on section 552.108 of the Government Code. However, we need not rule on your section 552.108 claim, as we believe the requested records must be withheld in their entirety based on Government Code section 552.101 in conjunction with Family Code section 261.201. *See* Open Records Decision No. 455 (1987) (attorney general will raise section 552.101 on governmental body's behalf).

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 261.201 of the Family Code reads as follows:

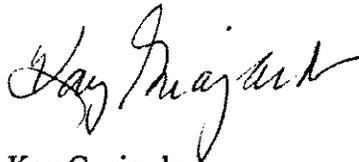
(A) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (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, and working papers used or developed in an investigation 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(a) of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (predecessor statute). The city must not release the requested information. Gov't Code § 552.101.

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# 102578

Enclosures: Submitted documents

cc: Mr. Chris Dixon  
1430 Frontier Valley, # 137  
Austin, Texas 78741  
(w/o enclosures)