



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 3, 1997

Mr. David Wofford  
Staff Attorney  
Texas Youth Commission  
P.O. Box 4260  
Austin, Texas 78765

OR97-1526

Dear Mr. Wofford:

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# 106830.

The Texas Youth Commission (the "commission") received an open records request for "[a]ll investigative reports produced by TYC concerning former state legislator Alvin Roy Granoff with respect to allegations that he abused or neglected a ward of the TYC . . . in or around the year 1993, including Mr. Granoff's requests and responses, the administrative findings and work papers, and all other relevant documents within the realm of this investigation." You contend, among other things, that the records at issue are made confidential under the Family Code and thus must be withheld pursuant to section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." We observe as pertinent to the instant case, section 261.201(a) of the Family Code which provides:

(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:

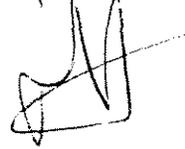
(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

(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.

Because the requested information involves an investigation of a report of alleged or suspected abuse or neglect of a minor, the records are within the scope of section 261.201 of the Family Code. We therefore conclude that the commission must withhold the requested information pursuant to section 552.101 of the Government Code.<sup>1</sup>

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

JIM/glg

Ref.: ID# 106830

Enclosures: Submitted documents

cc: Mr. Robert Draper  
Texas Monthly  
P.O. Box 1569  
Austin, Texas 78767-1569  
(w/o enclosures)

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<sup>1</sup>Because we resolve your request under section 261.201 of the Family Code, we need not address your other arguments for non-disclosure.