



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 16, 1998

Captain Robert Taylor
Amarillo Police Department
200 East 3rd
Amarillo, Texas 79101-1514

OR98-0173

Dear Captain Taylor:

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# 112715.

The Amarillo Police Department (the "department") received a request for a copy of a certain incident report. You assert that the requested report is excepted from required public disclosure based on section 552.108 of the Government Code. However, we believe section 552.101, an exception this office may raise for a governmental body, governs this request.

Section 552.101 excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. Section 58.007(c) of the Family Code reads in pertinent part as follows:

Excepts as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public

Subsection (d), which concerns the transfer of records in certain circumstances, is apparently inapplicable here. We believe section 58.007(c) makes confidential the requested report. *See also* Fam. Code § 51.02(2) (defining "child"). Accordingly, the department must not release to the requestor the requested report.

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,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

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Ref.: ID# 112715

Enclosures: Submitted documents