



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 23, 1998

Mr. Scott A. Durfee
General Counsel
Office of the Harris County District Attorney
201 Fannin, Suite 200
Houston, Texas 77002-1901

OR98-0229

Dear Mr. Durfee:

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# 111885.

The Harris County District Attorney (the "district attorney") received a request for the "State's file in State v. Bruce Anson." You contend, among other things, that the requested documents are excepted from required public disclosure pursuant to section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.¹

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 261.201(a) of the Family Code provides:

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*

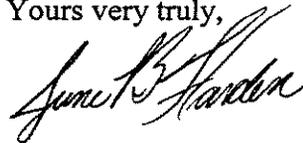
¹It appears that the district attorney has included non-responsive documents in its submission.

in an investigation under this chapter or in providing services as a result of an investigation. [Emphasis added.]

Based on your representation that the requested documents were “developed in an investigation of child abuse,” we conclude that the information at issue is confidential under section 261.201 of the Family Code. You have not informed this office of any rules the district attorney has adopted that would permit access to the requested records. This office therefore concludes that the district attorney must withhold the requested records from the public pursuant to section 261.201 of the Family 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 111885

Enclosures: Submitted documents

cc: Mr. Randy Schaffer
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(w/o enclosures)