



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 26, 1998

Mr. Saul Pedregon
Assistant City Attorney
City of Dallas
501 Police & Courts Building
Dallas, Texas 75201

OR98-0544

Dear Mr. Pedregon:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113126.

The Dallas Police Department (the "department") received a request for an arrest warrant for a particular offense. You submitted to this office information that is responsive to the request. You assert that the information is excepted from required public disclosure under section 552.108 of the Government Code and on the basis of the victim's common-law privacy interests under section 552.101. You also contend that the information is protected from disclosure by section 261.201 of the Family Code.

Section 261.201 of the Family Code reads in part 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:

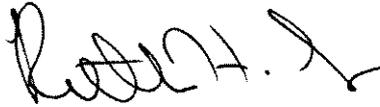
- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a).

We have reviewed the information you submitted as responsive to the request for information. The submitted information consists of "reports, records, communications, and working papers used or developed" in an investigation made under chapter 261 of the Family Code. Thus, this information may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the department, which is the agency that investigated the allegation. Since you have not informed this office that the department has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.¹ See Open Records Decision No. 440 (1986) at 2 (construing predecessor statute).²

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Enclosures: Submitted Documents

Ref: ID# 113126

cc: Mr. Steve Power
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)

¹Since section 261.201(a) makes the information at issue confidential, we need not address your other arguments against disclosure.

²We note that subsections (b) and (c) of section 261.201 permit a court to order the disclosure of confidential child abuse or neglect information in certain circumstances.