



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 29, 1998

Mr. Thomas H. Arnold
City Attorney
City of Texarkana
P.O. Box 1967
Texarkana, Texas 75504

OR98-1332

Dear Mr. Arnold:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115893.

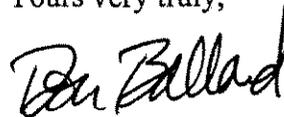
The Texarkana Police Department received a request for the file concerning a named individual. You claim that the requested information is excepted from required public disclosure by sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Sections 242.122 and 242.125 of the Health & Safety Code provide that a report of abuse or neglect of institutional residents shall be made to the Texas Department of Health or a local or state law enforcement agency. "A report, record, or working paper used or developed in an investigation made under this subchapter and the name of any person making a report under this subchapter are confidential and may be disclosed only for purposes consistent with the rules adopted by the [Texas Board of Health] or the designated agency." *Id* § 242.127. You indicate that the requested information involves the investigation of abuse or neglect of a resident at an institution covered by the statute, a nursing facility. Health & Safety Code §§ 242.002(6) (defining institution), .002(8) (defining resident), .126 (investigation). After a review of the responsive information and your arguments, we conclude that the submitted information consists of reports, records, or working papers used or developed in an investigation made under section

242 of the Health and Safety Code. You must withhold the submitted information, pages 1 - 39, in its entirety.¹

Because we make a determination under section 552.101, we do not consider your additional argument under section 552.108. 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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 115893

Enclosures: Submitted documents

cc: Ms. Winonia Griffin
Attorney at Law
312 4th Street
Texarkana, Texas 75504-1958
(w/o enclosures)

¹If the Texas Department of Health maintains a completed, de-identified, final written investigation report of suspected abuse or neglect, the requestor may obtain that document from the Texas Department of Health. 40 T.A.C. §§ 19.2010(a)(1), 19.2011; *see* Health & Safety Code § 242.126