



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 30, 1998

Mr. Saul Pedregon
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR98-1566

Dear Mr. Pedregon:

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# 117154.

The Dallas Police Department (the "department") received an open records request for a particular offense report from 1992. You contend that the requested information is made confidential under section 261.201 of the Family Code and therefore must be withheld from the public pursuant to section 552.101 of the Government Code.¹

Section 261.201 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

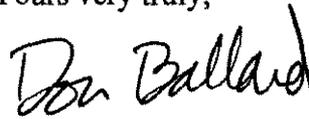
¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

(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.* [Emphasis added.]

We have reviewed the documents at issue. Because the requested information pertains to an investigation of the sexual assault of a child, this office concludes that the department must withhold the offense report in its entirety pursuant to section 261.201 of the Family Code.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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/nc

Ref.: ID# 117154

Enclosures: Submitted documents

cc Mr. John E. Bennett
2500 North Lincoln Blvd
Oklahoma City, Oklahoma 73105-4599
(w/o enclosures)

²Because we resolve your request under section 552.101 of the Government Code, we need not address the other exceptions you raised.