



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 25, 1998

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-2016

Dear Mr. Pagan:

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# 117758.

The City of McAllen (the "city") received a request for Incident Report No. 98-16827. You assert that the requested report is excepted from required public disclosure based on sections 5525.101 and 552.108 of the Government Code.

Section 552.101 excepts from public disclosure information that is made confidential by law, including information made confidential by statute. Section 58.007(c) of the Family Code provides that law enforcement records and files concerning a child may not be publicly disclosed. The requested law enforcement records concern a child. Family Code § 51.02(2) (defining "child"). Accordingly, the city must withhold the requested information from the requestor. Gov't Code § 552.101.

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

KHH/mjc

Ref.: ID# 117758

Enclosures: Submitted documents

cc: Mr. Ricardo Zambrano
3809 N. 1st Lane West
McAllen, Texas 78501
(w/o enclosures)