



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 18, 1998

Ms. Barbara C. Heptig
Assistant City Attorney
City of Arlington
101 Abram Street
Arlington, Texas 76004-0231

OR98-2231

Dear Ms. Heptig:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118091.

The City of Arlington (the "city") received a request for offense reports and an arrest report.¹ You indicate that the only documents that are responsive to the request are two offense reports and an arrest report. The arrest report was provided to the requestor. You submitted to this office copies of the two offense reports. You assert that the offense reports, labeled as Exhibits B and C, are protected from disclosure under section 552.108 of the Government Code and also on the basis of common-law privacy as protected under section 552.101 of the Government Code.

We have reviewed Exhibits B and C and conclude that these documents must be withheld from disclosure in their entirety under section 261.201 of the Family Code, in conjunction with section 552.101 of the Government Code. Section 552.101 of the Government Code excepts information from required public disclosure when the information is confidential by law. Subsection (a) of section 261.201 of the Family Code provides:

(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 . . . [the Family] code and applicable federal or state law or under rules adopted by an investigating agency:

¹You state that one other incident report was previously purged due to its age, apparently in accordance with the city's records retention policy. We note that this request only applies to information that was in existence when the request was received. Open Records Decision No. 452 (1986).

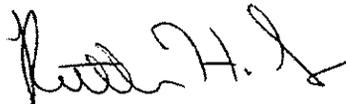
(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(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 . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

Exhibits B and C are police reports that detail the alleged abuse of a child and thus are "reports, records, communications, and working papers used or developed" in an investigation made under chapter 261 of the Family Code. Exhibits B and C therefore may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the Arlington Police Department, which is the agency that investigated the allegations. Since you have not informed this office that the Arlington Police Department has adopted any rules providing for release of this information, we conclude that Exhibits B and C are confidential and may not be disclosed.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

Ref: ID# 118091

Enclosures: Submitted documents

²Since section 261.201(a) makes the information at issue confidential, we need not address your other arguments against disclosure.

cc: Mr. Richard E. Littell
2603 Woodbridge Trail
Mansfield, Texas 76063
(w/o enclosures)