



February 4, 1999

Mr. Ajay Shah  
Assistant City Attorney  
Office of the City Attorney  
Municipal Building  
Dallas, Texas 75201

OR99-0333

Dear Mr. Shah:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122173.

The Dallas Police Department (the "department") received an open records request for the complete offense report issued for the aggravated sexual assault of a minor assigned number 0817060-G and the investigated reports for a specific address as well as a report listing 911 police service calls for the above mentioned address. You have made the bulk of the information available to the requestor, except for the offense report issued for the aggravated sexual assault assigned number 0817060-G. You contend that this information is confidential and must be withheld pursuant to sections 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code and section 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Information is excepted from the disclosure requirement by section 552.101 "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201 of the Family Code is a statute establishing certain information as confidential; it reads in pertinent part:

(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:

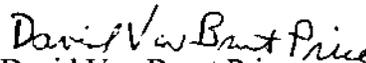
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(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.

We are of the opinion that offense incident report number 0817060-G are reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code and are therefore confidential by statute. As you have not cited any specific rule that the department has adopted with regard to the release of this type of information, these records are presumed confidential in their entirety. *See* Open Records Decision No. 440 at 2 (1986). Accordingly, you must not release this requested information. Since we have resolved this request under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code, we need not address your claim under section 552.108 of the Government Code.

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,

  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP\nc

Ref: ID# 122173

Enclosures: Submitted documents

cc: Ms. Donya Craddock  
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(w/o enclosures)