



February 9, 1999

Captain Robert Taylor  
Amarillo Police Department  
200 East 3<sup>rd</sup>  
Amarillo, Texas 79101-1514

OR99-0396

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122230.

The City of Amarillo Police Department received a request for a specific incident report. You seek to withhold the requested information under sections 552.101 and 552.108 of the Government Code.

Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Section 58.007(c) of the Family Code provides in pertinent part:

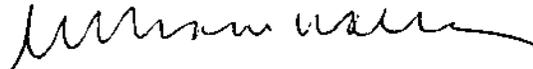
(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The requested incident report is subject to section 58.007(c). The exception to confidentiality set out in subsection (d) of the section does not apply to the information at issue here. Consequently, the department must withhold the requested incident report in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. In view of this disposition, we do not address your other claimed exception to disclosure of the requested records.

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,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref:: ID# 122230

Enclosures: Submitted documents

cc: Ms. Amelia Landin  
2203 S. Nelson  
Amarillo, Texas 79103  
(w/o enclosures)