



February 9, 1999

Ms. Lilia Ledesma
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-0399

Dear Ms. Ledesma:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122060.

The City of McAllen received a request for information pertaining to an arrest. You seek to withhold the requested information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.

Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Section 261.201(a) 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

(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 determined that the information you submitted as responsive to the request is subject to section 261.201(a). You have not informed this office of any rules the city has adopted that would permit access to the requested records. Accordingly, the city must withhold the requested records in their entirety pursuant to section 261.201(a) of the Family Code. *But see* Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access to records held by Department of Protective and Regulatory Services).

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# 122060

Enclosures: Submitted documents

cc: Jose Arcelia Maria Rodriguez
3513 Elmira
McAllen, Texas 78501
(w/o enclosures)