



April 13, 1999

Ms. Joni M. Vollman
Assistant General Counsel
Harris County District Attorney
201 Fannin, Suite 200
Houston, Texas 77002-1901

OR99-1001

Dear Ms. Vollman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123800.

The Harris County District Attorney's Office (the "DA") received a request for a particular person's file. You state that some of the requested information will be released. You claim that the remaining information is excepted from disclosure pursuant to sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Information is excepted from disclosure by section 552.101 of the Government Code "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 the requested information relates to allegations of child abuse under chapter 261 of the Family Code and is, therefore, confidential by statute. As you have not cited any specific rule that the DA 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 withhold this requested information. Since we have resolved this request pursuant to section 261.201(a) of the Family Code in conjunction with section 552.101 of the Government Code, we need not address your other claims.

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.

Sincerely,

David Van Brunt Price

David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 123800

Encl: Submitted documents

cc: Ms. Lynn Foster
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(w/o enclosures)