



September 27, 1999

Lieutenant Arturo Valdez
Center Record Division
McAllen Police Department
1501 Pecan Blvd.
McAllen, Texas 78501

OR99-2699

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128809.

The McAllen Police Department received a request for incident report number 99-26035. You claim that the requested information is excepted from disclosure under section 261.201(a) of the Family Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Accordingly, section 552.101 encompasses confidentiality provisions such as Family Code § 261.201(a). Section 261.201(a) provides as follows:

(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

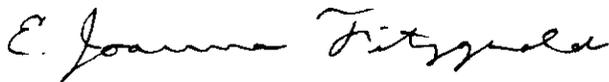
(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). We have reviewed the submitted report and find that it concerns an incident in a store involving a fallen display rack, and does not pertain to any report or

investigation of alleged abuse or neglect of a child. Therefore, we conclude that the submitted report does not fall within the scope of section 261.201(a). Accordingly, the report is public information that must be released pursuant to section 552.021 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.

Sincerely,



E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 128809

Encl: Submitted documents

cc: Ms. Aida Pina
c/o Mr. Sergio J. Valdez
201 South 10th, Suite 8
McAllen, Texas 78503
(w/o enclosures)