



October 6, 1999

Mr. Steven D. Monte'  
Assistant City Attorney  
Office of the City Attorney  
City Hall  
Dallas, Texas 75201

OR99-2834

Dear Mr. Monte':

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129093.

The Dallas Police Department (the "department") received a request for the first page narrative of service number 0538176-G. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with common law privacy concerns. 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 section 261.201(a). The relevant language of that statute reads 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). Because the requested information relates to an allegation of child abuse, the information is within the scope of section 261.201 of the Family Code.<sup>1</sup> The information is, therefore, confidential pursuant to section 261.201 of the Family Code as encompassed by section 552.101 of the Government Code.<sup>2</sup> *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute). Accordingly, the department must withhold the requested information from disclosure under section 552.101 of the Government Code as information made confidential by law.<sup>3</sup>

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# 129093

Encl: Submitted documents

cc: Mr. J. Horn  
6116 North Central  
Dallas, Texas 75206  
(w/o enclosures)

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<sup>1</sup>Because we find that the submitted information falls under section 552.101 of the Government Code in conjunction with section 261.210 of the Family Code, we do not address your argument regarding common-law privacy concerns.

<sup>2</sup>We assume that the department has not adopted any rules that would permit access to the requested information.

<sup>3</sup>We note, however, that if the Texas Department of Protective and Regulatory Services has created a file on this alleged abuse, the child's parent(s) may have the statutory right to review that file. *See* Fam. Code § 261.201(f).