



October 18, 1999

Lieutenant Arturo Valdez
Center Record Division
City of McAllen Police Department
1501 Pecan Boulevard
McAllen, Texas 78501

OR99-2948

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128313.

The McAllen Police Department (the "department") received a request for a specific offense report. You claim that the requested offense report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have 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." Section 261.201(a) of the Family Code 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

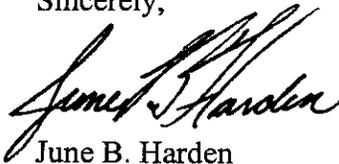
(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an

investigation under this chapter or in providing services as a result of an investigation.

Because the requested information relates to an allegation of sexual abuse of a child, the information is within the scope of section 261.201 of the Family Code. We are not aware of any rules promulgated by the department which permit the dissemination of this type of information. Accordingly, the requested information is made confidential by section 261.201 of the Family Code and must be withheld in its entirety under section 552.101 of the Government Code.

Because we are able to resolve this matter under section 552.101, we need not address your section 552.108 claim. 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 128313

Encl. Submitted documents

cc: Ms. Silvia Cortez
3512 Pavla
McAllen, Texas 78503
(w/o enclosures)