



October 29, 1999

Mr. Steven D. Monté
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-3049

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID#130423.

The City of Dallas police department (the "department") received a request for records, including those relating to an investigation of aggravated sexual assault of a child. You state that this is the only responsive information you have. You seek to withhold the requested information under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We believe that the requested information is confidential in its entirety under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Section 261.201 of the Family Code provides 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.

The submitted records are records developed in an investigation of abuse of a child. You have not informed this office of any rules the department has adopted that would permit access to the requested records, and there appear to be no other applicable exceptions to their confidentiality. We, therefore, conclude that the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (construing predecessor statute). Accordingly, the department must withhold the information in its entirety pursuant to section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

Because section 261.201 of the Family Code is dispositive, we do 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

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,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/jc

Ref: ID# 130423

Encl. Submitted documents

cc: Mr. Warren Abrams
6350 LBJ #169
Dallas, Texas 75420
(w/o enclosures)