



November 18, 1999

Mr. Miles K. Risley  
Senior Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR99-3313

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130405.

The City of Victoria (the "city") received a request for information on a specific case. You seek to withhold the requested information under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

Section 552.101 of the Government Code excepts information from public disclosure when the information is confidential by law. Subsection (a) of section 261.201 of the Family Code provides:

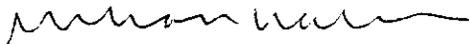
(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with . . . [the Family] code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] 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 . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

Having reviewed your arguments and the information you submitted as responsive to the request, we conclude that the information is subject to section 261.201. Thus, the requested information may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the city. Since you have not informed this office that the city has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.

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,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ljp

Ref: ID# 130405

Encl. Submitted documents

cc: Mr. Roy Kirkpatrick  
200 Weitz  
Inez, Texas 77968  
(w/o enclosures)