



June 14, 2001

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

OR2001-2051A

Dear Mr. Risley:

You have asked this office to clarify Open Records Letter No. 2001-2051 (2001). Your request for clarification has been assigned ID# 150200.

Initially, we note that as of September 1, 1999, governmental bodies are prohibited from requesting reconsideration of open records rulings issued by this office. Gov't Code § 552.301(f). Therefore, we do not reconsider the merits of Open Records Letter No. 2001-2051 (2001). Rather, because you suggest that our ruling may be ambiguous, this letter is to clarify the meaning of the ruling.

You state that Open Records Letter No. 2001-2051 "does not state which records are confidential pursuant to Texas Family code [sic] § 261.201." Our ruling concluded that "[b]ecause the submitted information relates to an allegation of child abuse, the information is generally confidential under section 261.201 of the Family Code." This conclusion was meant to indicate that the information that you submitted to this office along with your request for a decision is generally confidential under section 261.201 of the Family Code. Our ruling also concluded, however, that, in this instance, the requestor has a right of access to some of the information at issue. Specifically, the requestor was found to have a right of access to "information from the submitted documents that shows the type of allegation made and whether there was an arrest, information, indictment, detention, conviction, or other formal charges and their dispositions." See Gov't Code §§ 411.082(2), .087, .090; Educ. Code § 22.082.

You state that you have released the Arrest Report to the requestor, and that this is the only document that appears to contain the type of information that must be released. You ask this office to clarify our ruling if this is incorrect. As we discussed during our telephone conversation on June 5, 2001, the document titled "Grand Jury Return Report" contains

information showing that there was an indictment. As our ruling concluded that "information from the submitted documents that shows . . . whether there was an . . . indictment" must be released, the Grand Jury Return Report must also be released to the requestor.

Open Records Letter No. 2001-2051 also explained that the ruling itself triggered certain deadlines regarding the rights and responsibilities of the department and of the requestor. This clarification letter does not alter those deadlines, which are still to be calculated from the date that the department and the requestor received Open Records Letter No. 2001-2051.

We hope that this will finally resolve this matter.

Sincerely,



Karen A. Eckerle
Assistant Attorney General
Open Records Division

KAE/sdk

Ref: ID# 150200

Enc: Submitted documents

cc: Mr. Scott Byram
Staff Investigator
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(w/o enclosures)