



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

April 1, 2009

Ms. Katie Lentz  
Williamson County Sheriff's Office  
308 South Rock Street  
Georgetown, Texas 78626

OR2009-04224

Dear Ms. Lentz:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 340059.

The Williamson County Sheriff's Office (the "sheriff") received six requests from two requestors for information related to specific incidents and persons. You state that the sheriff has released some responsive information to the requestors. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions 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." Gov't Code § 552.101. Section 552.101 encompasses section 261.201 of the Family Code, which provides in relevant 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:

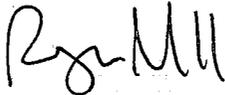
- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). Upon review, we find that the submitted information involves allegations of child abuse or neglect and was created pursuant to an abuse or neglect investigation as defined in section 261.001. *See id.* § 261.001(1), (4) (defining “child abuse” and “neglect” for purposes of section 261.201); *id.* § 101.003(a) (defining “child” as a person under 18 years of age). Therefore, this information falls within the scope of section 261.201. You have not indicated that Williamson County has adopted a rule governing the release of this type of information. Therefore, we conclude that the submitted information is confidential under section 261.201 of the Family Code and must be withheld in its entirety under section 552.101 of the Government Code. *See* Open Records Decision No. 440 at 2 (1986) (construing predecessor statute).<sup>1</sup>

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

~~This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.~~

Sincerely,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/jb

Ref: ID# 340059

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

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<sup>1</sup>As this ruling is dispositive, we need not address your section 552.108 argument against disclosure of the submitted information. We do note, however, that if the investigations underlying the submitted information have been referred to the Department of Family and Protective Services (“DFPS”), a parent or other legal representative of a child may be entitled to access to DFPS’s records. *See* Fam. Code § 261.201(g).