



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 6, 2009

Ms. Cynthia R. Garza
Assistant District Attorney
Dallas County District Attorney's Office
133 North Industrial Boulevard, LB-19
Dallas, Texas 75207-4399

OR2009-04474

Dear Ms. Garza:

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# 339062.

The Dallas County District Attorney's Office (the "district attorney") received a request for information pertaining to three specified cause numbers.¹ You state the district attorney has released information pertaining to two of the cause numbers. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor has excluded from her request attorney work product, driver's license numbers, and license plate numbers. Thus, any such information contained within the submitted documents is not responsive to the present request for information. The district attorney need not release nonresponsive information in response to this request and this ruling will not address that information. As we are able to make this determination, we will not address the district attorney's arguments under sections 552.108 and 552.130 of the Government Code.

¹We note that the district attorney asked for and received clarification regarding this request. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

We will now address your remaining argument against disclosure of the responsive 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(a) of the Family Code, which 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:

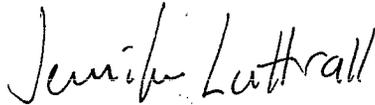
- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation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

Fam. Code § 261.201(a). You state that the submitted information pertains to an investigation of an offense involving alleged child abuse or neglect. Based on your representations and our review of the submitted report, we agree that the submitted information is subject to section 261.201 of the Family Code. *See id.* § 261.001(1) (defining "abuse" and "neglect" for purposes of Family Code ch. 261). As you do not indicate that the district attorney has adopted a rule that governs the release of this type of information, we assume that no such rule exists. Given that assumption, we conclude that the district attorney must withhold the submitted responsive information in its entirety under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (addressing predecessor statute).

You also ask this office to issue a previous determination permitting the district attorney to withhold the identifying information of children who are the subject of a child endangerment case, pursuant to section 552.101 of the Government Code in conjunction with common-law privacy and section 261.201 of the Family Code, without the necessity of requesting a ruling from our office under the Act. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (previous determinations). We decline to issue such a previous determination at this time. Accordingly, 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, 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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/eeg

Ref: ID# 339062

Enc. Submitted documents

c: Requestor
(w/o enclosures)