



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 10, 2009.

Mr. Vic Ramirez  
Associate General Counsel  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220

OR2009-04765

Dear Mr. Ramirez:

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# 339873.

The Lower Colorado River Authority (the "authority") received a request for the names of all involved in a specified accident. You claim that the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. You also state the authority notified an interested third party of the request and of their right to submit arguments to this office as to why the submitted incident report should not be released. *See* Gov't Code § 552.304 (providing interested party may submit comments stating why information should or should not be released). As of the date of this decision, this office has received no correspondence from the interested third party. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, we note that some of the submitted information is not responsive to this request. The requestor asks for the names of all involved in a specified incident. We find that the

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

document identifying the names of those involved is the only document responsive to the present request. Thus, the remaining information in the submitted documents, which we have marked, is not responsive to this request. This ruling does not address the public availability of non-responsive information, and the department is not required to release non-responsive information in response to this request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed). Accordingly, we will address your argument with regard to the responsive information.

We note that section 552.101 of the Government Code may be applicable to the responsive information.<sup>2</sup> Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides as follows:

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 of the responsive information, we conclude that this information falls within the scope of section 261.201. *See id.* § 261.001(1)(defining “abuse” and “neglect” for the purposes of chapter 261 of the Family Code). Additionally, there is no indication that the authority has adopted a rule governing the release of this type of information. Therefore, we assume no such regulation exists. Given that assumption, the submitted responsive information is confidential pursuant to section 261.201 of the Family Code. *See Open Records Decision No. 440 at 2 (1986) (construing predecessor statute).* Accordingly, the authority must withhold this information in its entirety under section 552.101 of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).*

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,



Adam Leiber  
Assistant Attorney General  
Open Records Division

ACL/jb

Ref: ID# 339873

Enc. Submitted documents

c: Requestor  
(w/o enclosures)