



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 14, 2010

Ms. Amie Hajovsky
Municipal Prosecutor
City of San Angelo
P.O. Box 1751
San Angelo, Texas 76902

OR2010-00755

Dear Ms. Hajovsky:

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# 367193.

The San Angelo Police Department (the "department") received a request for the incident report pertaining to an October 20, 2009 incident at a specified location. You claim the submitted incident report is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception 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. This exception encompasses information protected by other statutes, such as section 261.201 of the Family Code, which provides in relevant part:

(a) [T]he following information is confidential, is not subject to public release under [the Act], 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 the submitted information constitutes a report of alleged or suspected child abuse or neglect. However, upon review of the information at issue, we find it pertains to an investigation of a domestic disturbance between two adults and the arrest of an adult for possession of a controlled substance and public intoxication. You have not submitted any arguments explaining how this report was used or developed in an investigation conducted under chapter 261. Consequently, you failed to adequately demonstrate how the information at issue is a report of child abuse or neglect, or was used or developed in the investigation of such a report. *See id.* § 261.001 (defining “abuse” and “neglect” for purposes of chapter 261 of the Family Code). We therefore conclude section 261.201 is not applicable to the submitted incident report. As you raise no other exceptions to disclosure, the submitted report must be released in its entirety.

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, toll free, at (888) 672-6787.

Sincerely,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 367193

Enc. Submitted documents

cc: Requestor
(w/o enclosures)