



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 12, 2010

Ms. Yvette Aguilar
Assistant City Attorney
City of Corpus Christi
321 John Sartain
Corpus Christi, Texas 78401

OR2010-05199

Dear Ms. Aguilar:

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# 376286.

The Corpus Christi Police Department (the "department") received a request for a name, date of birth, and address relating to a specified case number. You claim that the requested 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 information you submitted.

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 that other statutes make confidential. Section 261.201 of the Family Code provides in part:

(a) [T]he following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with [the Family 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 [chapter 261 of the Family Code] 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

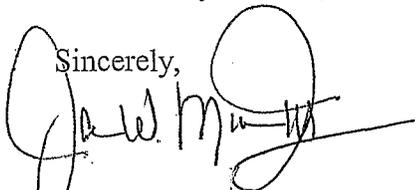
used or developed in an investigation under [chapter 261 of the Family Code] or in providing services as a result of an investigation.

Fam. Code § 261.201(a). You contend that the requested information is confidential under section 261.201. We note that this request for information does not indicate, nor do you inform us, whose name, date of birth, and address are responsive to the request. Nevertheless, the submitted incident report bears the case number provided by the requestor. Moreover, the submitted report contains the names, dates of birth, and addresses of a child who was the victim of alleged or suspected neglect, an individual accused of the neglect, and a witness to the incident. *See id.* § 261.001(4) (defining “neglect” for purposes of Family Code ch. 261). Thus, because section 261.201(a)(2) encompasses all “files, reports, records, communications, audiotapes, videotapes, and working papers” that pertain to an investigation of alleged or suspected child neglect, we find that the responsive portions of the submitted report fall within the scope of section 261.201(a)(2). *Id.* § 261.201(a)(2). As you do not indicate that the department has adopted a rule that governs the release of such information, we assume that no such rule exists. We therefore conclude that the responsive portions of the submitted report are confidential under section 261.201(a) of the Family Code and must be withheld from the requestor on that basis under section 552.101 of the Government Code.¹ *See* Open Records Decision No. 440 at 2 (1986) (addressing predecessor statute).

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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

¹As we are able to make this determination, we need not address the other exception you claim.

Ref: ID# 376286

Enc: Submitted documents

c: Requéstor
(w/o enclosures)