



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 13, 2010

Ms. Mary Salluce  
Open Government Attorney  
Texas Department of Family & Protective Services  
P.O. Box 149030  
Austin, Texas 78714-9030

OR2010-06888

Dear Ms. Salluce:

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# 379549.

The Texas Department of Family and Protective Services (the "department") received a request for specified Child Protective Services records pertaining to the requestor. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered correspondence from the Denton County Criminal District Attorney's Office. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

We note that the submitted information is excepted from disclosure pursuant to a previous determination issued by this office to the department in Open Records Letter No. 2003-5590 (2003). That ruling serves as a previous determination under section 552.301(a) of the Government Code and allows the department to withhold records concerning an investigation of an allegation of abuse or neglect of a child and the records used or developed in providing services as a result of such an investigation under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code, unless the department's rules permit the release of the requested records to a particular requestor. You indicate the information is not subject to release pursuant to your rules. *See* 40 TAC §§ 700.201-700.207. Therefore, pursuant to Open Records Letter No. 2003-5590, the department must withhold the requested information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.<sup>1</sup> *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination

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<sup>1</sup>As our determination is dispositive, we need not address the arguments against the disclosure of the submitted information.

when elements of law, fact, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly informed-it need not seek a decision from this office to withhold information in response to future requests).

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

Sincerely,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/jb

Ref: ID# 379549

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Claire Yancey  
Assistant District Attorney  
Denton County, Civil Division  
1450 East McKinney Street  
Denton, Texas 76209  
(w/o enclosures)