



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 11, 2010

Ms. Yvette Aguilar  
Assistant City Attorney  
City of Corpus Christi  
P. O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2010-12185

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# 390374.

The Corpus Christi Police Department (the "department") received a request for the report related to case number 100527-0056. You claim the submitted report 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 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 information protected by other statutes, such as section 261.201 of the Family Code. Section 261.201(a) generally makes confidential working papers used or developed in investigations of child abuse or neglect. *Id.* § 261.201(a). You represent the submitted report was used or developed in an investigation of child abuse for purposes of section 261.201. *See id.* § 261.001(1) (defining "abuse" for purposes of chapter 261). Thus, this report is subject to section 261.201(a). Section 261.201(k) states, however, that an investigating agency may not withhold from the parent of a child who is the subject of reported abuse or neglect, information concerning the reported abuse or neglect that would otherwise be confidential under section 261.201(a), unless the parent of the child requesting the information is alleged to have committed the abuse or neglect. *Id.* § 261.201(k). As you acknowledge, the requestor is the father of the

child victim listed in the report and is not alleged to have committed the suspected abuse. As such, this report may not be withheld from this requestor on the basis of section 261.201(a). However, section 261.201(1)(3) states the identity of the party who made the report must be redacted. *See* Fam. Code § 261.201(1)(3). We have marked the identifying information of the party who reported the alleged abuse to the department. The department must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 261.201(1)(3). Although you also marked an individual's identifying information as confidential under section 261.201(1)(3), this individual did not report the alleged abuse to police and thus the information you marked is not confidential under section 261.201(1)(3). Additionally, section 261.201(1)(2) states that any information excepted from required disclosure under the Act or other law may still be withheld from disclosure. *Id.* § 261.201(1)(2). Thus, because you also raise section 552.108(a)(1) of the Government Code, we will address your argument under that exception.

Section 552.108(a)(1) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime.” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You represent the submitted report pertains to a case that is pending investigation or prosecution and release of the information you marked at this time would interfere with this ongoing criminal case. Based on these representations and our review, we determine release of the information you marked under section 552.108 would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Thus, the department may withhold the information you marked under section 552.108(a)(1).

In summary, the department must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 261.201(1)(3) of the Family Code. The department may withhold the information you marked under section 552.108(a)(1) of the Government Code. As you raise no other exceptions to disclosure, the remaining information must be released to this requestor.<sup>1</sup>

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<sup>1</sup>Because this requestor has a special right of access to the information being released that would ordinarily be confidential, the department must again seek a decision from this office if it receives another request for the same information from a different requestor.

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,

A handwritten signature in black ink, appearing to read 'Bob Davis', with a long, sweeping underline that extends to the right.

Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/eeg

Ref: ID# 390374

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)