



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 18, 2010

Mr. Gregory L. Grigg  
Deer Park Police Department  
2911 Center Street  
Deer Park, Texas 7756-4942

OR2010-15779

Dear Mr. Grigg:

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# 396989.

The Deer Park Police Department (the "department") received a request for two specified offense reports. You claim that the submitted information 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. Section 552.101 encompasses information protected by other statutes, such as section 261.201(a) of the Family Code, which provides as follows:

(a) Except as provided by Section 261.203, 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.
- (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). Report number 2010-152587 pertains to an incident where an adult reported harassment by her neighbor, and report number 2010-168975 relates to a disturbance between two adults. These reports do not reflect, and you do not explain, how they were used or developed in an investigation by the department of alleged or suspected child abuse or neglect as defined by chapter 261. *See id.* § 261.001(1), (4) (defining “abuse” and “neglect” for purposes of Fam. Code ch. 261). Furthermore, you have not submitted a representation from any other investigating agency asserting these reports were used by that agency in an investigation under chapter 261. *See id.* § 261.103 (listing agencies that may conduct child abuse investigations). Therefore, we find you have failed to demonstrate the applicability of section 261.201 to the submitted information. As you raise no further exceptions to the disclosure of the submitted information, it must be released.

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,



Kate Hartfield  
Assistant Attorney General  
Open Records Division

KH/em

Ref: ID# 396989

Enc. Submitted documents

c: Requestor  
(w/o enclosures)