



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 16, 2010

Mr. B. Chase Griffith
Brown & Hofmeister, L.L.P.
For Town of Little Elm
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2010-17330

Dear Mr. Griffith:

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# 400060.

The Town of Little Elm (the "town"), which you represent, received a request for all police records regarding a named individual and any dispatch records regarding a specified address during a specific time period. 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 section encompasses information protected by other statutes, such as section 261.201(a) of the Family Code, which provides:

(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 contend the submitted incident report number 1000032188 is confidential under section 261.201 because it involves a Child Protective Services referral. ~~The incident report reflects the Little Elm Police Department received the referral, determined the alleged incident occurred within the Denton County Sheriff's Office's (the "sheriff") jurisdiction, and sent the referral to the sheriff for follow-up.~~ You have not provided any explanation of, nor does the report reflect, how the report was used or developed in an investigation of suspected child abuse or neglect. Thus, you have failed to demonstrate the submitted incident report is confidential under section 261.201 of the Family Code. Consequently, the incident report may not be withheld under section 552.101 of the Government Code.

We note the incident report contains a Texas driver's license number. Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit issued by a Texas agency is excepted from public release.¹ Gov't Code § 552.130(a)(1). Therefore, the town must withhold the driver's license number we have marked under section 552.130 of the Government Code.² The remaining information 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.

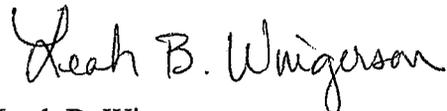
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

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 cursive script that reads "Leah B. Wingerson".

Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 400060

Enc. Submitted documents

c: Requestor
(w/o enclosures)