



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 4, 2011

Ms. Jenny Gravley
Taylor Olson Adkins Sralla Elam, LL.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107-4654

OR2011-04530

Dear Ms. Gravley:

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# 414640.

The Euless Police Department (the "department"), which you represent, received a request for incident report number 1000080939. You claim 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 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." This section encompasses information protected by other statutes, including section 261.201 of the Family Code. Section 261.201(a) provides as follows:

[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 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

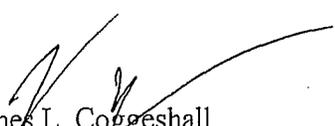
(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). The submitted information is an arrest report of an adult for assault and possession. However, you represent this information was used in an investigation under chapter 261. You also inform us the department forwarded the information to the Department of Family and Protective Services for investigation of suspected abuse as defined by section 261.001 of the Family Code. *See id.* § 261.201(a)(2); *see also* § 261.001(1) (defining “abuse” for purposes of chapter 261.201 of Family Code). Based on these representations, we find the submitted records were used or developed in an investigation under chapter 261; therefore, this information is within the scope of section 261.201(a)(2) of the Family Code. You do not indicate the department has adopted a rule governing the release of this type of information; therefore, we assume that no such regulation exists. Based on this assumption, we conclude the submitted information is confidential pursuant to section 261.201(a)(2) of the Family Code, and the department must withhold it under section 552.101 of the Government Code.¹ *See* Open Records Decision No. 440 at 2 (1986) (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 L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tf

¹As our ruling is dispositive, we do not address your other arguments to withhold this information.

Ref: ID# 414640

Enc. Submitted documents

c: Requestor
(w/o enclosures)