



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 7, 2013

Mr. Charles H. Weir  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR2013-17392

Dear Mr. Weir:

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# 506219 (COSA File No. W018208).

The City of San Antonio (the "city") received a request for a specified offense report. You claim the requested 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 of the Family Code, which provides in relevant part:

(a) [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.

...

(k) Notwithstanding Subsection (a), an investigating agency, other than the [Texas Department of Family and Protective Services] or the Texas Youth Commission, on request, shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect, or to the child if the child is at least 18 years of age, information concerning the reported abuse or neglect that would otherwise be confidential under this section. The investigating agency shall withhold information under this subsection if the parent, managing conservator, or other legal representative of the child requesting the information is alleged to have committed the abuse or neglect.

Fam. Code § 261.201(a), (k). The submitted information relates to an investigation of alleged online solicitation of a minor. *See id.* § 261.001(1) (defining “abuse” for purposes of chapter 261 of the Family Code). In this instance, the complainant at issue is a child or minor for purposes of section 261.201. *See id.* § 101.003 (defining “child” or “minor” for purposes of Fam. Code ch. 261); Penal Code § 33.021(a) (defining “minor” for purposes of Penal Code § 33.021). Thus, we find the submitted information is generally confidential under section 261.201 of the Family Code. We note, however, the requestor is a parent of the child victim listed in the submitted information, and is not alleged to have committed the suspected abuse. Therefore, the city may not withhold the submitted information from the requestor on the basis of section 261.201(a). *See* Fam. Code § 261.201(k). Accordingly, the city must release the submitted information to the requestor pursuant to section 261.201(k) of the Family Code.<sup>1</sup>

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.texasattorneygeneral.gov/open/>

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<sup>1</sup>Because the requestor has a special right of access under section 261.201(k) of the Family Code to the information being released, if the city receives another request for this information from a different requestor, it must again seek a ruling from this office.

[orl\\_ruling\\_info.shtml](#), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/dls

Ref: ID# 506219

Enc. Submitted documents

c: Requestor  
(w/o enclosures)