



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 3, 2026

Mr. Matthew Entsminger  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR2026-008177

Dear Ms. Entsminger:

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# 26-001601 (County ID: 1314064-1).

The Travis County District Attorney's Office (the "district attorney's office") received a request for information pertaining to a specified case. You claim the submitted 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 representative sample of information.<sup>1</sup>

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. Section 261.201 of the Family Code provides, in relevant part, as follows:

(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:

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<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(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 Juvenile Justice Department, 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). You state the submitted information was used or developed in an investigation of alleged or suspected child abuse or neglect conducted by the district attorney's office. *See id.* §§ 101.003(a) (defining "child" for purposes of this section as person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes), 261.001(1), (4) (defining "abuse" and "neglect" for purposes of chapter 261 of the Family Code). Accordingly, we find this information is subject to section 261.201 of the Family Code. In this instance, the requestor is a parent of the child victim listed in the information at issue. However, we note the requestor is alleged to have committed the suspected abuse or neglect. Thus, the requestor does not have a right of access to the information at issue under section 261.201(k). *See id.* § 261.201(k). Therefore, we conclude the submitted information is confidential pursuant to section 261.201 of the Family Code, and the district attorney's office must withhold it under section 552.101 of the Government Code.<sup>2</sup> *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute).

Finally, you ask this office to issue a previous determination permitting the district attorney's office to withhold information subject to section 261.201(a) of the Family Code without the necessity of requesting an attorney general opinion. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); *Houston Chronicle v. Mattox*, 767 S.W.2d 695, 698 (Tex. 1989) (acknowledging this office has authority under section 552.301 of the Government Code to decide what constitutes a previous determination); Open Records Decision No. 673 (2001) (describing the two types of previous determinations). We note section 552.011 of the Government Code states "[t]he attorney general shall maintain uniformity in the

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<sup>2</sup> As our ruling is dispositive, we need not consider your remaining arguments against disclosure.

application, operation, and interpretation” of the Act, chapter 552 of the Government Code. Gov’t Code § 552.011. Pursuant to this legislative mandate, section 552.011 grants the attorney general the authority to “prepare, distribute, and publish any materials, including detailed and comprehensive written decisions and opinions, that relate to or are based on” the Act. *Id.* We further note the Act requires governmental bodies to promptly release public information requested under the Act within a reasonable time, without delay. *Id.* § 552.221(a); Open Records Decision No. 664 at 5 (2000).

With the foregoing in mind and upon due consideration, we issue this ruling, which constitutes a previous determination allowing the district attorney’s office to withhold certain information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code without the necessity of first requesting an attorney general decision. *See* ORD 673. This decision is intended to increase the efficiency of the review process under the Act by clearly identifying information the district attorney’s office may withhold. *See* Gov’t Code §§ 552.011, .221; Open Records Decision Nos. 684 (2009), 673.

Accordingly, the district attorney’s office may withhold (1) reports of alleged or suspected child abuse or neglect made under chapter 261 of the Family Code; (2) information used or developed in investigations of alleged or suspected child abuse or neglect made under chapter 261 of the Family Code; and (3) the identity of the person making such reports without seeking a ruling from this office. *See* Fam. Code §§ 101.003(a) (defining “child” for purposes of this section as person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes), 261.001(1), (4) (defining “abuse” and “neglect” for purposes of chapter 261 of the Family Code). The investigations at issue must be conducted by agencies authorized to conduct investigations under section 261.103 of the Family Code. *See id.* § 261.103 (listing agencies that may conduct child abuse investigations). However, the district attorney’s office may not rely upon this previous determination if the use of this previous determination falls within any one of the following circumstances:

1. If any law, facts, or circumstances involving the requestor or the status of the requested information changes, the district attorney’s office may not rely upon this ruling as a previous determination to withhold the information at issue. *See* ORD 673 at 7.
2. If the request for records relates to documents of an internal administrative investigation.
3. If the information solely relates to the notification of an incident to the Child Protective Services Division of the Texas Department of Family and Protective Services.
4. If the investigation is of child abuse or neglect that occurred in a home or facility regulated under chapter 42 of the Human Resources Code. Fam. Code § 261.201(h).

5. If a victim, suspect, arrestee, or criminal defendant is deceased.
6. Situations in which law may require some or all of the information at issue to be disclosed. *See* Fam. Code § 261.201(k), *see also, e.g.*, Crim. Proc. Code arts. 2B.0154 (detailing right of access to videos made in connection with various types of driving while intoxicated offenses); Gov't Code §§ 411.081-.1410 (detailing rights of access to criminal history record information), 560.002(1)(A) (detailing rights of access to fingerprints and other biometric identifiers); Fam. Code § 264.408 (detailing discretionary disclosure to provide services under Chapter 264 of the Family Code); Transp. Code §§ 550.065 (detailing rights of access to crash report forms), 724.018 (detailing right of access to blood or breath specimen analysis results).

If the use of this previous determination by the district attorneys' office does not fall within all of the circumstances delineated above, the requirements of the Act apply, including section 552.301 of the Government Code, and deadlines under the Act run from the date the district attorney's office received the initial written request for information. *See* Gov't Code § 552.301(a); *Mattox*, 767 S.W.2d at 698. Thus, if the requested information presents any questionable circumstances or the district attorney's office is unsure as to the applicability of this previous determination to information responsive to a request for information, the district attorney's office should request a ruling from this office. Additionally, this office may modify or withdraw this previous determination for any reason, including, but not limited to, misapplication of this previous determination. *See id.* § 552.011; *Mattox*, 767 S.W.2d at 698; *see also* Open Records Decision Nos. 485 at 3 (1987), 673 at 5.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Nick Ybarra  
Assistant Attorney General  
Open Records Division

NY/tb

Ref: ID# 26-001601

c: Requestor