



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

November 29, 1973

**C. J. CARL  
STAFF LEGISLATIVE ASSISTANT**

Mr. Robert F. Salter  
Attorney for Texas Youth Council  
Sam Houston State Office Building  
10th Floor  
201 East 14th Street  
Austin, Texas 78701

Open Records Decision No. 13

Dear Mr. Salter:

By letter of September 4, 1973, Mr. Lee Jones of the Associated Press requested from your office the names and addresses of persons 18 years of age and over who were released from Texas Youth Council institutions by authority of House Bill 123 and Attorney General Opinion H-83. You declined to disclose this information, claiming that Section 3(a)(1) excepted it from disclosure.

We agree with your reason for refusing to disclose, and therefore declare that the information here requested should not be disclosed.

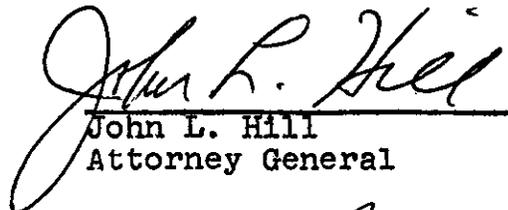
Section 3(a)(1) of House Bill 6 excepts from disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Article 5143d, Tex. Rev. Civ. Stat. Ann. art. 5143d, discusses the administration and jurisdiction of the Texas Youth Council. Section 33, dealing with records of commitment to the TYC, provides in pertinent part: "The records of commitment of a delinquent child to the Youth Council shall be withheld from public inspection except with the consent of the Youth Council, but such records concerning any child shall be open at all reasonable times to the inspection of the child, his or her parents or parent, guardian, or attorney, or any of them." The protection created for information discussed in Section 33 was of such significance to the Legislature that subsequent statements in Section 33 operate to prevent the use of records of commitment even as evidence in a court of law, with certain limited exceptions.

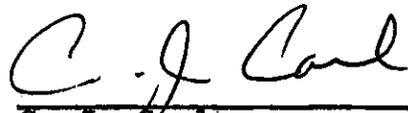
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We feel this legislative concern about records of commitment translates into the confidentiality of information excepted from disclosure by Section 3(a)(1) of House Bill 6. Section 33 does not make absolute the protection of records of commitment; discretion is vested in the Youth Council regarding disclosure. Recognition of this trust by the Legislature cannot be disturbed by House Bill 6, as Section 3(a)(1) acknowledges. Section 3(a)(1) operates to prevent disclosure under House Bill 6, but disclosure can be effected through the Youth Council by the procedure suggested in Section 33 of Article 5143d.

We feel that the information requested here is excepted from disclosure by Section 3(a)(1) and should not be disclosed.

Sincerely,

  
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John L. Hill  
Attorney General

  
\_\_\_\_\_  
C. J. Carl  
Staff Legislative Assistant

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