



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 5, 1991

Ms. Elaine H. Piper
Assistant City Attorney
Police Legal Advisor
2 Civic Center Plaza
El Paso, Texas 79999

OR91-543

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11448.

You have received a request for "a transcript or a recorded copy of a police dispatcher's description concerning a burglary and conversations between the dispatcher and three officers of the El Paso Police Department." You claim that the information requested is protected from required public disclosure by section 3(a)(1) because the information relates to the arrest of a juvenile and is thus made confidential by provisions of section 51.14 of the Family Code. You also claim that the information is excepted by section 3(a)(8), the law enforcement exception.

We agree that the requested information is excepted from required public disclosure by section 3(a)(1), which excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Subsection (d) of Section 51.14 of the Family Code relates to the law enforcement files and records of juveniles. Subsection (d) states:

Except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is

permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

Because the requested information relates to a juvenile who has been charged under provisions of chapter 51 of the Family Code and because there is no indication that the requester falls within any of the three exceptions contained in subsection (d) of section 51.14, the information requested is made confidential by law and may not be released. *See also* Open Records Decision Nos. 394 (1983); 181 (1977). Accordingly, you may withhold the requested information under section 3(a)(1). Because we resolve your request under section 3(a)(1), we need not address the applicability of section 3(a)(8) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-543.

Very truly yours,



Steve Aragon
Assistant Attorney General
Opinion Committee

SA/GK/lcd

Ref.: ID# 11448

cc: Alan & Carol Hodet
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