



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 31, 1995

Mr. G. Mike Davis  
State Fire Marshal  
Texas Commission on Fire Protection  
P.O. Box 2286  
Austin, Texas 78768-2286

OR95-722

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32206.

The Texas Commission on Fire Protection (the "commission") received a request for a report concerning a fire in Caldwell, Texas that occurred on January 22, 1995. You claim that the documents are excepted from disclosure under section 552.108 of the Government Code. Additionally, you claim that section 51.14(d) of the Family Code "restrict[s] accessibility to the report." We have considered the exceptions you claimed and have reviewed the documents at issue.

We will first address your claim under section 51.14(d) of the Family Code. Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 incorporates, as a statutory source of confidentiality, section 51.14(d). Section 51.14(d) provides:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and 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.

In Open Records Decision No. 181 (1977) at 2, this office held that section 51.14(d) excepts police reports that identify juveniles or furnish a basis for their identification. *See Open Records Decision No. 394 (1983) at 4-5 (applying section 51.14(d) to "police blotter" and related information).*

It does not appear that the documents submitted to this office for review relate to a charge for which these juveniles were transferred under section 54.02 of the Family Code to a criminal court for prosecution. It appears that the requestor is not one of the parties listed in section 54.14(d) to whom this information can be released. Therefore, the commission must not disclose the offense report.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Government Section

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<sup>1</sup>The Seventy-fourth Legislature, in House Bill 327, has significantly amended portions of the Family Code governing access to juvenile records, including the repeal of section 51.14 and its substantial revision in chapter 58 of the Family Code, effective January 1, 1996. *See Act of May 27, 1995, ch. 262, §§ 53, 100, 105.* We do not address in this ruling the extent to which these recent amendments to the Family Code will affect requests for this information that are made on or after January 1, 1996. Additionally, as we have held that the commission must withhold the requested information under section 51.14(d) of the Family Code, we need not address your claimed exception under section 552.108 of the Government Code.

Ref.: ID# 32206

Enclosures: Submitted documents

cc: Mr. Robby Singleton  
Senior Claim Representative  
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College Station Service Center  
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College Station, Texas 77841  
(w/o enclosures)