



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 17, 1995

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR95-1073

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 27960.

The City of Garland (the "city") has received a request for a certain offense report. You advise us that the city has made available to the requestor the first page of the requested offense report in accordance with Open Records Decision No. 127 (1976) and *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). However, you seek to withhold from public view the remaining information and claim that sections 552.101 and 552.108 of the Government Code except it from required public disclosure.

Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 51.14(d) of the Family Code. Section 51.14(d) of the Family Code, as amended by Acts 1993, 73d Leg., ch. 461, § 3, at 1852, 1854, provides, in pertinent part:

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 [concerning a child] are not open to public inspection nor may their contents be disclosed to the public

See also Open Records Decision No. 181 (1977) at 2 (holding that police reports which identify juveniles or furnish a basis for their identification are excepted by section 51.14(d)).

We have examined the information that you seek to withhold under section 552.101 of the Government Code. We conclude that it identifies juveniles or furnishes a basis for their identification and must therefore be withheld from required public disclosure under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code. As we resolve this matter under section 552.101, we need not address the applicability of section 552.108 at this time.

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 may 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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 27960

cc: Ms. Denise Rhodaback
2509 Rebecca Drive
Sachse, Texas 75048
(w/o enclosures)