



November 1, 1999

Ms. Kimberley Mickelson
Olson & Olson - Attorneys at Law
Three Allen Center, Suite 3485
333 Clay Street
Houston, Texas 77002

OR99-3079

Dear Ms. Mickelson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130517.

The City of Friendswood (the "city") received a request for information regarding the arrest of a juvenile. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code and sections 58.005 and 58.007 of the Family Code. We have considered the exception you claim and reviewed the submitted information.

Because we believe that the requested information is confidential in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code, we do not address your section 58.005 claim. Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Section 58.007(c), as amended by Act of May 26, 1999, 76th Leg., R.S., ch.815, § 1, 1999 Tex. Gen. Laws 3448, provides in pertinent part:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

(3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Section 58.007(c) applies to juvenile conduct occurring on or after September 1, 1997. Since the records at issue involve juvenile conduct that occurred after that date, and there appear to be no applicable exceptions here to their confidentiality, you must withhold the information in its entirety pursuant to section 58.007(c).

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 regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/jc

Ref: ID# 130517

Encl. Submitted documents

cc: Ms. Lucille Hollander
110 Annett
Friendswood, Texas 77546
(w/o enclosures)