



November 2, 1999

Lieutenant Arturo Valdez  
City of McAllen  
Police Department  
Central Record Division  
1501 Pecan Boulevard  
McAllen, Texas 78501

OR99-3090

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129189.

The City of McAllen (the "city") received a request for four offense reports. You claim that one of the reports, case file 99-20962, is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and have reviewed the report at issue.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as section 58.007 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997, are confidential under section 58.007. The relevant language of section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

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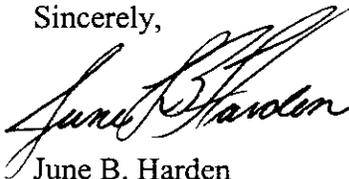
<sup>1</sup>Since you have not requested a ruling on the other three reports, we presume that these documents have been released. See Gov't Code § 552.301.

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The submitted records are law enforcement records concerning juvenile conduct that occurred after September 1, 1997. Thus, case file 99-20962 is confidential pursuant to section 58.007(c) of the Family Code and must be withheld in its entirety under section 552.101 of the Government Code.

Because we are able to make a determination under section 552.101, we need not address your section 552.108 claim. 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,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref: ID# 129189

Encl. Submitted documents

cc: Ms. Susan Villarreal  
1621 Xanthisma  
McAllen, Texas 78501  
(w/o enclosures)