



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 1, 2010

Mr. Jason Day
City Attorney
City of Royse City
P.O. Box 638
Royse City, Texas 75189

OR2010-04624

Dear Mr. Day:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 374887 (RCCA10-0014).

The Royse City Police Department (the "department") received a request for police records pertaining to two named individuals. You state that the department has released some of the requested information to the requestor. You claim that portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. You claim that portions of case numbers 09-05-0025 and 09-10-0060 are confidential under section 58.007 of the Family Code, which provides in 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 Subchapters B, D, and E.

...

(e) Law enforcement records and files concerning a child may be inspected or copied by a juvenile justice agency as that term is defined by Section 58.101, a criminal justice agency as that term is defined by Section 411.082, Government Code, the child, and the child's parent or guardian.

...

(j) Before a child or a child's parent or guardian may inspect or copy a record or file concerning the child under Subsection (e), the custodian of the record or file shall redact:

(1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child; and

(2) any information that is excepted from required disclosure under Chapter 552, Government Code, or other law.

Fam. Code § 58.007(c), (e), (j). Section 58.007(c) is applicable to records of juvenile conduct that occurred on or after September 1, 1997. Upon review, we agree that case numbers 09-05-0025 and 09-10-0060 involve a juvenile offender, so as to fall within the scope of section 58.007(c). In this instance, however, the requestor is the authorized representative of the parents of the juvenile offender listed in the reports at issue. Therefore, the requestor has a right to inspect or copy case numbers 09-05-0025 and 09-10-0060 pursuant to section 58.007(e). *See* Family Code § 58.007(e). However, any personally identifiable information concerning another juvenile suspect, offender, victim, or witness must be redacted. *See id.* § 58.007(j)(1). For purposes of section 58.007(j), a juvenile suspect or offender is a child as defined by section 51.02 of the Family Code. *See id.* § 51.02(2) ("child" means a person who is ten years of age or older and under seventeen years of age). However, for purposes of section 58.007(j), we conclude that a juvenile victim or witness is a person who is under eighteen years of age. Therefore, the department must withhold the juveniles' names, addresses, and telephone numbers we have marked under section 552.101 in conjunction with section 58.007(j)(1). However, the remaining

information you have marked under section 58.007(j)(1) does not identify another juvenile suspect, offender, victim, or witness, and it may not be withheld on the basis of section 58.007(j)(1). The remaining information must be released to the requestor.¹

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 374887

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note the requestor has a special right of access to the remaining portions of case numbers 09-05-0025 and 09-10-0060. See Fam. Code § 58.007(e). Furthermore, we note that some of the remaining information is confidential under section 552.101 of the Government Code in conjunction with common-law privacy and not subject to release to the general public. In this instance, however, the requestor has provided the department with an authorization to release information signed by the individual to whom the private information pertains and, thus, has a special right of access to the private information under section 552.023 of the Government Code. Section 552.023(a) provides that "[a] person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests." Gov't Code § 552.023(a). If the department receives another request for this information from an individual other than this requestor, the department should again seek our decision.