



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

June 9, 2010

Ms. Linda Hight
Records Coordinator
City of Cleburne
P.O. Box 677
Cleburne, Texas 76033

OR2010-08413

Dear Ms. Hight:

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# 381936.

The City of Cleburne (the "city") received a request for information pertaining to police report numbers 09-03078 and 10-00910. You claim that the submitted information is 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. Section 552.101 encompasses information that other statutes make confidential, 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(c). For purposes of section 58.007, "child" means a person who is ten years of age or older and under seventeen years of age. Fam. Code § 51.02(2). Section 58.007 provides in pertinent part as follows:

(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, 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.

Id. § 58.007(c), (e), (j). You state section 58.007 is applicable to report numbers 09-03078 and 10-00910. Upon review, we find the submitted reports involve juveniles allegedly engaged in delinquent conduct. *See id.* § 51.03(a) (defining "delinquent conduct" for purposes of section 58.007). Thus, the submitted reports are within the scope of section 58.007. As it does not appear any of the exceptions to confidentiality under section 58.007(e) apply to report number 09-03078, that report must be withheld in its entirety under section 552.101 in conjunction with section 58.007 of the Family Code. However, we note the requestor in this instance is the parent of one of the juvenile offenders listed in report number 10-00910. Accordingly, the remaining information may not be withheld from this requestor under section 552.101 in conjunction with section 58.007(c) of the Family Code. *Id.* § 58.007(e). Nevertheless, any personally identifiable information

concerning other juvenile suspects, offenders, victims, or witnesses must be redacted. *See id.* § 58.007(j)(1). Therefore, in releasing report number 10-00910 to the requestor, the city must withhold the identifying information of other juvenile suspects, offenders, victims, or witnesses, which we have marked, under section 58.007(j)(1) of the Family Code.

In summary, the city must withhold report number 09-03078 under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. The city must withhold the information we have marked in report number 10-00910 under section 552.101 in conjunction with section 58.007(j)(1). The remaining information must be released to this 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,



James McGuire
Assistant Attorney General
Open Records Division

JM/dls

Ref: ID# 381936

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹Should the city receive another request for this same information from a person to whom release is not authorized under sections 58.007(e), then the city should resubmit these records and request another decision. *See* Gov't Code §§ 552.301(a), .302.