



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 30, 2010

Ms. Yvette Aguilar  
Assistant City Attorney  
Police Legal Advisor  
321 John Sartain  
Corpus Christi, Texas 78401

OR2010-13113

Dear Ms. Aguilar:

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# 391855.

The City of Corpus Christi and the Corpus Christi Police Department (collectively, the "city") received two requests for a specified 9-1-1 audio recording and any phone recordings between Corpus Christi Police Department Commander Heidi Frese and dispatchers pertaining to a specified incident. You claim the submitted audio recordings are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted audio recordings are not responsive to the instant requests. The requests specifically seek a 9-1-1 audio recording and any telephone recordings between Commander Frese and dispatchers. The submitted audio recordings we have marked do not fall into either of these categories. This decision does not address the public availability of the non-responsive information, and the city need not release that information in response to this request.

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 protected by other statutes, such as section 58.007 of the Family Code. Section 58.007 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, D, and E.

Fam. Code § 58.007(c). Section 58.007 makes confidential juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997. The responsive audio recordings involve juvenile delinquent conduct that occurred after September 1, 1997. *See id.* § 51.03(a) (defining “delinquent conduct” for purposes of Family Code section 58.007). It does not appear any exceptions in section 58.007 apply to this information. Therefore, the responsive audio recordings are confidential in their entirety under section 58.007(c) of the Family Code and must be withheld under section 552.101 of the Government Code.

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](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,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/em

Ref: ID# 391855

Enc. Submitted documents

c: Requestor  
(w/o enclosures)