



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 7, 2010

Ms. Clarissa M. Rodriguez
Denton, Navarro, Rocha & Bernal, P.C.
For City of Cibolo
2517 North Main Avenue
San Antonio, Texas 78212

OR2010-15333

Dear Ms. Rodriguez:

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# 396111.

The City of Cibolo (the "city"), which you represent, received a request for information pertaining to case number 10-02500. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions 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 section encompasses information protected by other statutes, such as section 58.007 of the Family Code, which provides in relevant 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.

Fam. Code § 58.007(c). Section 58.007 makes confidential juvenile law enforcement records relating to conduct indicating a need for supervision that occurred on or after September 1, 1997. *See id.* §§ 51.02(2) (defining “child” for purposes of section 58.007 as a person who is ten years of age or older and under seventeen years of age at the time of the reported conduct), 51.03(b)(1) (defining “conduct indicating a need for supervision” to include misdemeanor violations of law punishable by fine only or violations of penal ordinances of any political subdivision of this state). The submitted incident report pertains to an incident that occurred after September 1, 1997 in which a fourteen year-old juvenile was issued a citation for violating two city ordinances. Therefore, we find the submitted report involves a juvenile engaged in conduct in need of supervision that occurred after September 1, 1997. It does not appear that any of the exceptions in section 58.007 apply to the information at issue. Accordingly, the submitted report is confidential and must be withheld in its entirety under section 552.101 of the Government Code in conjunction with 58.007(c) of the Family Code.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

¹As our ruling is dispositive, we do not address your remaining arguments against disclosure.

Ref: ID# 396111

Enc. Submitted documents

c: Requestor
(w/o enclosures)