



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 27, 2010

Mr. Scott A. Durfee
Assistant General Counsel
Office of the Harris County District Attorney
1201 Franklin, Suite 600
Houston, Texas 77002

OR2010-16292

Dear Mr. Durfee:

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# 398124.

The Harris County District Attorney's Office (the "district attorney") received a request for all information pertaining to a specified case. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108. of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses information protected by other statutes. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007 of the Family Code. Section 58.007(c) provides 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:

¹Although you also raise section 552.103 of the Government Code as an exception to disclosure of the submitted information, you have provided no arguments regarding the applicability of this section. Therefore, we assume you no longer assert this section. *See* Gov't Code §§ 552.301(b), (e), .302.

- (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). For purposes of section 58.007(c), "child" means a person who is ten years of age or older and under seventeen years of age at the time of the reported conduct. *See id.* § 51.02(2). The submitted information involves allegations of juvenile delinquent conduct occurring after September 1, 1997. It does not appear that any of the exceptions in section 58.007 apply to the information at issue. Therefore, the submitted information is confidential pursuant to section 58.007(c) of the Family Code, and the district attorney must withhold it under section 552.101 of the Government Code.²

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/eeg

²As our ruling is dispositive, we need not address your arguments against disclosure.

Ref: ID# 398124

Enc. Submitted documents

cc: Requestor
(w/o enclosures)