



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 20, 2011

Mr. Ron G. MacFarlane, Jr.
Attorney and Counselor at Law
3010 LBJ Freeway, Suite 1200
Dallas, Texas 75234

OR2011-08754

Dear Mr. MacFarlane:

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# 425822.

The Cedar Hills Police Department (the "department"), which you represent, received a request for information pertaining to a named individual. 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 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. For purposes of section 58.007, "child" means a person who is ten years of age or older and under seventeen years of age. See 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 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.

Id. § 58.007(c), (e). Upon review, we find that the submitted information involves a juvenile engaged in conduct indicating a need for supervision occurring after September 1, 1997; therefore, the submitted information is subject to section 58.007. However, as you acknowledge, the requestor represents he is representative of one of the parents the juvenile offender listed in the submitted information. Accordingly, if the requestor represents the parent, the requestor has a right to inspect or copy law enforcement records pertaining to his client's son. *See id.* § 58.007(e). Thus, upon verification that the requestor represents the parent of the juvenile listed in the submitted information, the department must release the submitted information pursuant to section 58.007(e) of the Family Code. If, however, the department does not receive verification the requestor represents the juvenile's parent, then the submitted information is subject to section 58.007(c), and must be withheld in its entirety 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, 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,



Laura Ream Lemus

Assistant Attorney General

Open Records Division

LRL/em

Ref: ID# 425822

Enc. Submitted documents

c: Requestor
(w/o enclosures)