



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 5, 2012

Lieutenant William Ryan
Record Division
Pharr Police Department
1900 South Cage
Pharr, Texas 78577

OR2012-00222

Dear Lieutenant Ryan:

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# 441432.

The Pharr Police Department (the "department") received a request for case number 2007-00027971. 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 public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." 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. The relevant language of section 58.007 of the Family Code reads 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.

Fam. Code § 58.007(c), (e), (j). Juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997 are confidential under section 58.007. *Id.* § 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 id.* § 51.02(2). Therefore, the submitted information is subject to section 58.007. However, we note the requestor is a recruiter for the United States Army (the "Army"), and we understand one of the juvenile offenders named in the submitted report is a potential enlistee in the Army. Under section 58.007(e), the child may inspect law enforcement records concerning himself. *Id.* § 58.007(e). The Army has provided a signed, written consent from the offender at issue. Therefore, pursuant to section 58.007(e), the requestor, with the offender's consent, has a right to inspect juvenile law enforcement records concerning this offender. However, section 58.007(j) also provides that information about any other juvenile suspect, offender, victim, or witness must be redacted. *See id.* § 58.007(j)(1). Thus, the department must withhold the personally identifiable information concerning the other juvenile offender, which we have marked, under section 552.101 in

conjunction with section 58.007(j)(1), but it must release the remaining information to the requestor pursuant to section 58.007(e).¹ *Id.* § 58.007(j)(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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/dls

Ref: ID# 441432

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹Should the department receive another request of these same records from a person who would not have a right of access to the information, the department should resubmit this same information and request another ruling from this office. *See* Gov't Code § 552.301(a).