



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 11, 2012

Ms. LeAnn M. Quinn  
City Secretary  
City of Cedar Park  
600 North Bell Boulevard  
Cedar Park, Texas 78613

OR2012-00574

Dear Ms. Quinn:

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# 441972 (Cedar Park Ref. #12-048).

The City of Cedar Park (the "city") received a request for a specified juvenile record. You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.130, 552.136, and 552.147 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. Section 552.101 encompasses section 58.007 of the Family Code, which makes confidential juvenile law enforcement records relating to conduct by a child that occurred on or after September 1, 1997. Fam. Code § 58.007(c). Section 58.007 provides:

(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.

...

(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 [the Act] or other law.

*Id.* § 58.007(c), (e), (j). *See also id.* § 51.02(2) (defining "child" as a person who is ten years of age or older and younger than seventeen years of age). The submitted report involves delinquent conduct by children occurring after September 1, 1997. *See id.* § 51.03 (defining "delinquent conduct" for purposes of Fam. Code § 58.007). Therefore, the submitted report is subject to section 58.007 of the Family Code. In this instance, however, the requestor is one of the child suspects named in the report. Accordingly, section 58.007(e) allows him access to his own law enforcement records. *Id.* § 58.007(e). However, before the city provides the requestor with information concerning this report, the city must withhold any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the requestor. *Id.* § 58.007(j)(1). We have indicated the information the city must withhold under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code.<sup>1</sup> The remaining information you have marked does not identify any juvenile suspect, offender, victim, or witness who is not the child and may not be withheld on that basis. The city also must withhold any other information excepted

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<sup>1</sup>As our ruling is dispositive, we do not address your assertion of sections 552.130 and 552.147 of the Government Code.

from required disclosure under the Act. As you raise section 552.136 of the Government Code we will consider the applicability of this exception.

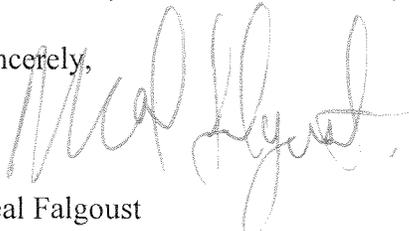
Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Accordingly, the city must withhold the credit card number you have marked and the cellular telephone account number we have marked under section 552.136 of the Government Code.

In summary, the city must withhold the information we have indicated under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code. The city also must withhold the credit card number you have marked and the cellular telephone account number we have marked under section 552.136 of the Government Code. The remaining information must be released to this requestor.<sup>2</sup>

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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

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<sup>2</sup>We note the requestor has a special right of access to the information being released under section 58.007(e) of the Family Code and section 552.023 of the Government Code. *See* Fam. Code § 58.007(e); *see also* Gov’t Code § 552.023 (governmental body may not deny access to person to whom information relates or person’s agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). If the city receives another request for this same information from a different requestor, it must again seek a ruling from this office.

Ref: ID# 441972

Enc. Submitted documents

c: Requestor  
(w/o enclosures)