



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 5, 2012

Ms. Linda M. Champion
Assistant City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902

OR2012-10324

Dear Ms. Champion:

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# 458157.

The City of Victoria (the "city") received a request for all records related 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 of the Government Code excepts from public 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 makes confidential juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997. The relevant language of section 58.007 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 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.

Fam Code § 58.007(c), (e); *see id.* § 51.03(a)-(b) (defining “delinquent conduct” and “conduct indicating need for supervision” for purposes of Fam. Code title 3). For purposes of section 58.007(c), a “child” is a person who was ten years of age or older and under seventeen years of age at the time the conduct occurred. *Id.* § 51.02(2). We note one of the incidents at issue involves a traffic offense where the individual was not a juvenile for purposes of section 51.02 of the Family Code at the time of the offense. *See id.* Accordingly, the city may not withhold this information under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. The remaining information reflects the incidents at issue occurred when the named individual was between twelve and fifteen years old. Accordingly, the named individual was a juvenile for purposes of section 58.007(c) at the time of these incidents. Additionally, we find the remaining information involves a juvenile engaged in delinquent conduct or conduct indicating a need for supervision. Thus, the remaining information is subject to section 58.007(c). We note, however, the requestor is a recruiter for the United States Navy (the “Navy”), and the juvenile suspect named in the information at issue is a potential enlistee in the Navy. Under section 58.007(e), the juvenile may inspect law enforcement records concerning himself. *Id.* § 58.007(e). In this case, the requestor has provided signed, written consent from the individual at issue. Therefore, pursuant to section 58.007(e), the requestor, with the individual's consent, has a right to inspect juvenile law enforcement records concerning this individual. Accordingly, the submitted juvenile records must be released to this requestor pursuant to section 58.007(e) of the Family Code.¹ As you raise no further exceptions, the remaining information must also be released.

¹We note that the requestor has a special right of access to the information being released in this instance. Because such information is confidential with respect to the general public, if the city receives another request for this information from a different requestor, the city must again seek a ruling from this office.

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# 458157

Enc. Submitted documents

c: Requestor
(w/o enclosures)