



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 18, 2012

Mr. Steven Meyer  
Assistant City Attorney  
City of Arlington Police Department  
P.O. Box 1065  
Arlington, Texas 76004-1065

OR2012-14854

Dear Mr. Meyer:

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# 469733 (Arlington Police Department Reference No. 8742-081512).

The Arlington Police Department (the "department") received a request for a specified arrest report. You claim that the requested 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. Section 552.101 encompasses information made confidential by other statutes, such as section 58.007 of the Family Code, which protects juvenile law enforcement records related to delinquent conduct and conduct indicating a need for supervision that occurred on or after September 1, 1997. Fam. Code § 51.03(a) (defining "delinquent conduct"). Section 58.007 provides, in relevant part:

(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.

Fam. Code § 58.007(c). Section 51.02(2)(A) of the Family Code defines “child” as a person who is ten years of age or older and under seventeen years of age. Although you claim the submitted information is confidential under section 58.007, we note the listed offenders at issue were seventeen at the time of the incident. *See id.* § 51.02(2). Further, the submitted information does not identify any individuals who were ten years of age or older and under seventeen years of age as suspects or offenders. Accordingly, the department may not withhold the submitted information under section 552.101 on the basis of section 58.007. As you raise no other exceptions to disclosure, the submitted information must be released.

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/tch

Ref: ID# 469733

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)