



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

October 12, 2012

Ms. Danielle Folsom  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2012-16344

Dear Ms. Folsom:

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# 468640 (GC No. 19930).

The Houston Emergency Center (the "center") received a request for 9-1-1 call recordings and dispatch records pertaining to incident number 0903190120. You claim 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 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. 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.

...

(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[.]

Fam. Code § 58.007(c), (e), (j)(1). 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(c). *See id.* § 51.03(a)-(b) (defining "delinquent conduct" and "conduct indicating a need for supervision"). For purposes of section 58.007(c), "child" means a person who is ten years of age or older and under seventeen years of age at the time of the reported conduct. *See id.* § 51.02(2). Upon review, we agree the submitted information consists of law enforcement records that involve juvenile delinquent conduct that occurred after September 1, 1997. Accordingly, the submitted information is generally subject to section 58.007(c).

However, the requestor may be the authorized representative of the juvenile offender at issue. As we cannot determine whether the requestor is this juvenile's authorized representative, we rule conditionally. If the requestor is not the authorized representative of the juvenile at issue, the center must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. If the requestor is the authorized representative of the juvenile at issue, then she has a right to inspect information concerning this juvenile under section 58.007(e). *Id.* § 58.007(e). In that event, the center may not withhold the submitted information from this requestor under section 58.007(c). However, before information is released pursuant to section 58.007(e), personally identifiable information concerning any juvenile suspect, offender, victim, or witness who is not the child represented by the requestor must be redacted pursuant to section 58.007(j)(1) of the Family Code. *See id.* § 58.007(j)(1). The

submitted 9-1-1 dispatch recording identifies another juvenile offender engaged in conduct indicating a need for supervision. Thus, the center must withhold the information we have indicated that identifies this offender pursuant to section 552.101 in conjunction with section 58.007(j)(1). Portions of the remaining information identify a child victim. Therefore, the center must redact the child victim's identifying information we have marked and indicated under section 552.101 in conjunction with section 58.007(j)(1).

In summary, if the requestor is not the authorized representative of the juvenile offender at issue, the center must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. If the requestor is the authorized representative of the juvenile offender at issue, then the center must (1) withhold the information we have indicated identifying another juvenile offender under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code; (2) withhold the information we have marked and indicated identifying the child victim under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code; and (3) release the remaining information.<sup>1</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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/ag

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<sup>1</sup>We note in that event, because the requestor would have a right of access to information being released, the center must again seek a decision from this office if it receives another request for the same information from another requestor.

Ref: ID# 468640

Enc. Submitted documents

c: Requestor  
(w/o enclosures)