



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 26, 2013

Ms. June B. Harden  
Assistant Attorney General  
Assistant Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2013-16790

Dear Ms. Harden:

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# 503518 (PIR No. 13-36915).

The Office of the Attorney General (the "OAG") received a request for surveillance video footage relating to a specified crime victim compensation file. Although the OAG takes no position on the public availability of the requested information, the OAG has notified the Texas Juvenile Justice Department (the "department") of the request in order for the department to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information). The department asserts the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have reviewed the submitted information and considered the department's arguments.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 244.003 of the Human Resources Code. Section 244.003 provides as follows:

(a) The department shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control.

(b) Except as provided by Section 243.051(c), these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Section 58.005, Family Code, Section 244.051, and Chapter 61, Code of Criminal Procedure.

Hum. Res. Code § 244.003. The department states the submitted video recording contains personally identifiable information relating to children in the custody of the department, and thus, is within the scope of section 244.003. The department states the requestor does not have a right of access to the information at issue under section 58.005 of the Family Code, section 244.051 of the Human Resources Code, or chapter 61 of the Code of Criminal Procedure. Further, the submitted information does not indicate the requestor has a right of access to the information under section 243.051(c) of the Human Resources Code. Based on the department's representations and our review, we find section 244.003 is applicable to the submitted information. We therefore conclude the OAG must withhold the submitted information pursuant to section 552.101 of the Government Code in conjunction with section 244.003 of the Human Resources Code.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/ag

Ref: ID# 503518

Enc. Submitted documents

c: Requestor  
(w/o enclosures)