



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 23, 2016

Mr. David V. Overcash  
Counsel for the City of Anna  
Wolfe, Tidwell & McCoy, LLP  
2591 Dallas Parkway, Suite 300  
Frisco, Texas 75034

OR2016-21577

Dear Mr. Overcash:

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# 627494 (City File No. W000647-071916).

The City of Anna (the "city"), which you represent, received a request for information pertaining to the requestor on a specified date. You claim the submitted information is exempted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

We note the requested information is subject to court orders of restricted access. The orders were entered in accordance with section 58.203 of the Family Code, which states the Texas Department of Public Safety ("DPS") shall certify that juvenile law enforcement records are subject to automatic restriction of access under certain circumstances. Fam. Code § 58.203. Section 58.204(b) of the Family Code provides:

(b) On certification of records in a case under Section 58.203, [DPS] may permit access to the information in the juvenile justice information system relating to the case of an individual only:

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<sup>1</sup>We note regardless of whether the city complied with section 552.301 of the Government Code in requesting this decision, because section 552.101 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. See Gov't Code §§ 552.007, .301, .302, .352.

- (1) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;
- (2) for research purposes, by the Texas Juvenile Justice Department;
- (3) by the person who is the subject of the records on an order from the juvenile court granting the petition filed by or on behalf of the person who is the subject of the records;
- (4) with the permission of the juvenile court at the request of the person who is the subject of the records;
- (5) with the permission of the juvenile court, by a party to a civil suit if the person who is the subject of the records has put facts relating to the person's records at issue in the suit; or
- (6) with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces.

*Id.* § 58.204(b). Moreover, section 58.207 of the Family Code provides, in part:

(a) On certification of records in a case under Section 58.203, the juvenile court shall order:

(1) that the following records relating to the case may be accessed only as provided by Section 58.204(b):

...

(E) records maintained by a law enforcement agency[.]

(b) [O]n receipt of an order under Subsection (a)(1), the agency maintaining the records:

(1) may allow access only as provided by Section 58.204(b); and

(2) shall respond to a request for information about the records by stating that the records do not exist.

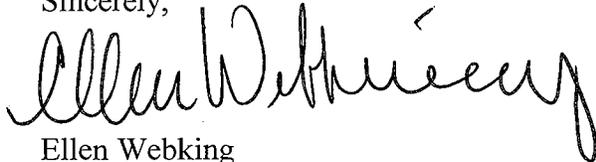
*Id.* § 58.207(a)(1)(E), (b). In this instance, the requestor is not one of the entities listed in section 58.204(b) to which access is allowed. Therefore, pursuant to the order of restricted

access and section 58.207(b) of the Family Code, the city must respond to this request for information by stating the requested information does not exist.<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.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,



Ellen Webking  
Assistant Attorney General  
Open Records Division

EW/bw

Ref: ID# 627494

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As our determination is dispositive, we need not address the department's remaining argument against disclosure.