



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 21, 1993

Mr. Lance Beversdorff  
Staff Attorney  
Texas Youth Commission  
P.O. Box 4260  
Austin, Texas 78765

OR93-251

Dear Mr. Beversdorff:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19333.

The Texas Youth Commission (the "commission") received two requests for information relating to four grievance proceedings involving persons employed by the commission at the Evins Regional Juvenile Center. Specifically, the requestors seek access to all written and recorded materials relating to certain employee grievances filed on October 13, 1992, November 6, 1992, November 13, 1992, and December 14, 1992. You advise us that the commission is not in possession of information relating to a grievance filed on October 13, 1992, and that you have asked the requestor to clarify his request. *See* Open Records Decision No. 558 (1990) (governmental body not required to release information not in its possession). You have submitted to us for review, however, information relating to the other three grievances, including various documents and tape recordings. You are concerned that if you allow the requestors to inspect the records you will jeopardize the confidential status conferred on the records by section 51.14(b) of the Family Code in conjunction with section 3(a)(1) of the Open Records Act.

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Section 51.14(b) of the Family Code provides:

All files and records of a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court are open to inspection only by:

(1) the professional staff or consultants of the agency or institution . . .

Fam. Code § 51.14(b). Section 51.14(b) of the Family Code governs this request for access to information.

You advise us that the requestors are "professional staff" of a "public . . . agency or institution providing supervision of a child by arrangement of the juvenile court." Therefore, you may permit the requestors to inspect the documents, however, section 51.14(b) does not permit them to obtain copies.

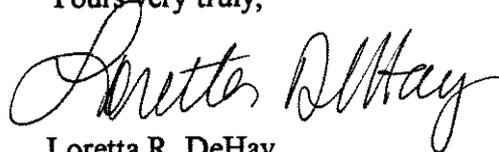
You express concern that release of the requested information may waive your right to withhold the information in the future. Section 14(a) of the Open Records Act provides as follows:

This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, *unless expressly prohibited by law*; provided that such records shall then be available to any person. [Emphasis added.]

*See also* V.T.C.S. art. 6252-17a, § 3(c). Thus, you cannot waive the express confidentiality provisions of section 51.14 of the Family Code. *See also* Open Records Decision No. 468 (1987) at 3 (allowing employee to see his evaluation is not a voluntary release to the public).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Opinion Committee

LRD/GCK/le

Ref: ID# 19333  
ID# 19453

Enclosures: Submitted Documents

cc: Mr. Gerardo Guerra  
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