



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 26, 1994

Ms. Karen Hendershot Bailey
Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR94-183

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 24693.

The City of Victoria (the "city") has received a request for the "names, ages (D.O.B.) and city of residence of all people charged under drug solicitation ordinance, whose cases were dismissed, and the dates of dismissals." You do not object to release of most of the requested information. You contend, however, that section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code prohibits the release of some of the requested information. You have submitted for our review a computer printout of the requested information and have marked the information that you seek to withhold under section 552.101.

Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 incorporates, as a statutory source of confidentiality, section 51.14(d) of the Family Code. Section 51.14(d) provides in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.

In Open Records Decision No. 181 (1977) at 2, this office held that section 51.14(d) excepts police reports that identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 (1983) at 4-5 (applying section 51.14(d) to "police blotter" and related information).¹ You indicate that the information at issue here does not relate to charges for which the city transferred the juvenile under section 54.02 of the Family Code to a criminal court for prosecution, nor that article 15.27 of the Code of Criminal Procedure applies. Moreover, we do not understand any of the exceptions to section 51.14(d) to apply here. *See* Family Code § 51.14(d)(1), (2), (3). Accordingly, we conclude that the city must withhold the information that pertains to the arrest of a juvenile under section 552.101 of the Government Code, as you have marked on the document submitted for our review.

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 this office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 24693

cc: Mr. Gerard R. Farrell
Staff Writer
The Victoria Advocate
P.O. Box 1518
Victoria, Texas 77902
(w/o enclosures)

¹*See also* Fam. Code § 51.14(c) ("law-enforcement files and records concerning a child shall be kept separate from files and records of arrests of adults").