



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 17, 1995

Mr. Gary W. Smith
City Attorney
City of Greenville
P.O. Box 1049
Greenville, Texas 75403-1049

OR95-1075

Dear Mr. Smith:

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# 27715.

The City of Greenville (the "city") has received a request for a certain police report involving an assault complaint. You have submitted the requested police report to us for review and claim that section 552.101 of the Government Code exempts it from required public disclosure.

Section 552.101 of the act exempts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 51.14(d) of the Family Code. Section 51.14(d) of the Family Code, as amended by Acts 1993, 73d Leg., ch. 461, § 3, at 1854, provides, in pertinent part:

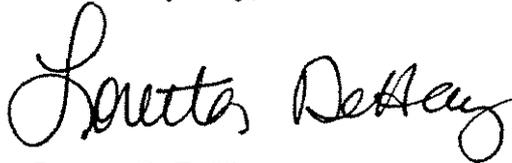
Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public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

See also Open Records Decision No. 181 (1977) at 2 (holding that police reports which identify juveniles or furnish basis for their identification are exempted by section 51.14(d)).

We have examined the information submitted to us for review. We conclude that it identifies a juvenile or furnishes a basis for a juvenile's identification. Moreover, none of the exceptions to the confidentiality provision set forth in section 51.14(d) apply in this instance. Accordingly, the police report must be withheld from required public disclosure under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 27715

cc: Mr. John R. Schale
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(w/o enclosures)