



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1998

Ms. Marie E. Galindo
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR98-1544

Dear Ms. Galindo:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116277.

The City of Midland (the "city") received a request for a particular offense report. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code.

Some of the information at issue pertains to two juveniles who were detained by the Midland Police Department in connection with a series of burglaries of motor vehicles. Section 58.007(c) of the Family Code provides in pertinent part:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

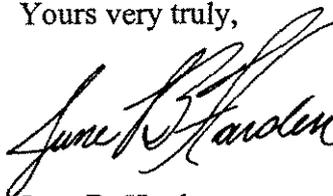
- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

In this instance, the Midland Police Department has not "kept separate from adult files and records" the records pertaining to the juvenile offenders. We therefore conclude that the requested records must be withheld in their entirety pursuant to section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.¹

¹Because we resolve your request under section 552.101, we need not address the applicability of the other exception you raised, section 552.108 of the Government 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 should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/nc

Ref.: ID# 116277

Enclosures: Submitted documents

cc: Mr. Aurelio Pando
922 E. 16th Street
Odessa, Texas 79761
(w/o enclosures)