

January 27, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Mr. Mark Dempsey
Assistant City Attorney
City of Garland
P. O. Box 469002
Garland, Texas 75046-9002

OR99-0250

Dear Mr. Dempsey:

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# 122058.

The Garland Police Department (the "department") received an open records request for Offense Report #202100, which pertains to a juvenile accused of theft. You have submitted to this office the responsive records, which you contend are made confidential under section 58.007 of the Family Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code.¹

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

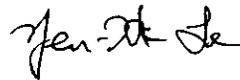
¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

(2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Because the individual accused of the theft is a juvenile, we conclude that the department must withhold the requested information in its entirety pursuant to section 58.007(c) 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 should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Yen Ha Le".

Yen Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/nc

Ref.: ID# 122058

Enclosures: Submitted documents

bcc: Ms. Kelly Van Handel
1425 Blanco Lane
Garland, Texas 75040
(w/o enclosures)