



February 5, 1999

Ms. Lilia Ledesma
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-0336

Dear Ms. Ledesma:

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# 121942.

The City of McAllen (the "city") received a request for a particular offense report. You seek to withhold the requested information under sections 552.101 and 552.108 of the Government Code.

Section 552.101 requires withholding, *inter alia*, information made confidential by statute. 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:

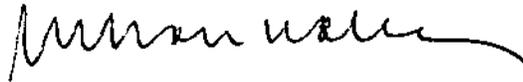
- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The records you submitted are subject to section 58.007(c). None of the exceptions to confidentiality under those provisions apply. Accordingly, you must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. *But see* Family Code § 58.007(b)(5)

(disclosure of juvenile law enforcement records, pursuant to court order, to persons having legitimate interest). Since we have disposed of this request under section 552.101, we need not address your section 552.108 claim.

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,

A handwritten signature in black ink, appearing to read "William Walker", with a long horizontal flourish extending to the right.

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID# 121942

Enclosures: Submitted documents

cc: Ms. Mary Lou Cantu
2824 Upas
McAllen, Texas 78501
(w/o enclosures)