



October 14, 1999

Mr. Nick Todaro  
Assistant City Attorney  
City of Midland  
300 N. Loraine, Rm. 320  
Post Office Box 1152  
Midland, Texas 79702-1152

OR99-2929

Dear Mr. Todaro:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129784.

The City of Midland (the "city") received a request for information regarding a break-in which occurred on or about January 28, 1998. You claim that the requested information is excepted from disclosure under sections 552.101, 552.130, and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as Family Code section 58.007. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of section 58.007(c), as amended by the Seventy-sixth Legislature,<sup>1</sup> reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

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<sup>1</sup>Act of May 26, 1999, 76<sup>th</sup> Leg., R.S., ch. 815, §1, 1999 Tex. Sess. Law Serv. 3448 (Vernon) (to be codified as an amendment to Fam. Code § 58.007).

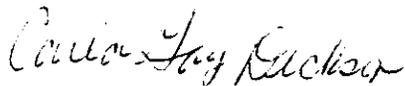
(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

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

Here, the requested information involves juvenile conduct that occurred after September 1, 1997. It does not appear that any of the exceptions to section 58.007 apply. Thus, the records are made confidential pursuant to section 58.007(c) of the Family Code. Accordingly, you must withhold the requested information in its entirety under section 552.101 of the Government Code.

Because we are able to decide this matter under section 58.007 of the Family Code, we do not address your additional arguments against disclosure. 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.

Sincerely,



Carla Gay Dickson  
Assistant Attorney General  
Open Records Division

CGD/ch

Ref: ID# 129784

Encl. Submitted documents

cc: Mr. Steve Steen  
Shafer, Davis, Ashley, O'Leary & Stoker  
Bank of America Building  
700 North Grant, Suite 201  
Odessa, Texas 79761  
(w/o enclosures)